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**2ND
INTERIM
REPORT**

**URBAN
RENEWAL
PLAN**

A DEMONSTRATION GRANT PROJECT

DELINEATION OF AREAS

CITY OF NEWARK, NEW JERSEY
CENTRAL PLANNING BOARD
NEWARK COMMISSION FOR NEIGHBORHOOD CONSERVATION AND REHABILITATION

OCTOBER 1959

280

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PREFACE

Our Second Interim Report, brings the Demonstration Project to the point of applying the principles and methods for the delineation of renewal treatment areas, developed in the First Interim Report, and establishes the general framework for the development of a ten-year continuing city-wide urban renewal program.

The renewal program, which will include residential, commercial, and industrial areas in Newark, must be seen and carried out as part of city planning and city growth and development as a whole. The problems of structural obsolescence, deteriorating areas, and areas which through conservation efforts can be kept free of blight, can be solved only through comprehensive replanning and zoning.

Urban renewal, encompassing the recently enlarged concepts of conservation and rehabilitation, in addition to slum clearance and redevelopment, can be an extremely dynamic process of improving and reshaping our old urban areas, if carried out within the framework of a comprehensive plan.

At the recent ACTION conference on the American City, here in Newark, May 4, 5 and 6, Adlai Stevenson posed the vital question "...Does the sum of these parts add up to a meaningful whole? Instead of developing a comprehensive program, are we in danger of creating a patchwork, a conglomeration of temporary and short-sighted solutions to pieces of a problem which cannot be handled piece-meal? ...We look in vain for a comprehensive statement of what we are after."

The selection of renewal areas in Newark will be made from a general development view, based on a land reuse plan and the demands from conditions of hygiene, public interest, welfare, business, industry, and traffic.

The Newark urban renewal plan, as developed through the means of this Demonstration Project, has for its main objective achieving urban renewal for the total city, in relationship to the effectuation of a Master Plan.

George H. F. Oberlander
City Planning Officer

Newark, New Jersey
October, 1959

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PURPOSE AND PROGRAM OF DEMONSTRATION GRANT

As of June 4, 1958, the City of Newark entered into contract with the United States Housing and Home Finance Agency, Urban Renewal Administration, for an Urban Renewal Demonstration Grant, as authorized by Section 314 of the Housing Act of 1954. The project is officially designated as "N. J. D-1."

Generally, the grant is to enable Newark to undertake a comprehensive study of deterioration in the city and prepare a ten-year renewal plan and program. The project is designed to develop and field-test basic principles and methods for the delineation of renewal treatment areas; to establish a ten-year schedule of priorities to carry out renewal within delineated project areas; to develop the measures necessary to implement the appropriate plans for each scheduled renewal area; and to recommend organization and procedures for continuous, annual up-dating of the self-perpetuating ten-year urban renewal program.

In somewhat more detail, the purpose of the Demonstration Grant Project is to achieve the following aims:

- a. To develop criteria for the delineation of urban renewal areas in Newark and to determine in each area whether the most appropriate type of corrective or preventative action would be predominantly of a clearance, rehabilitation, and/or conservation nature. Such criteria would be developed from

existing records, spot field tests and inspections and other readily available materials.

- b. To apply the criteria thus developed to the entire city in order to determine areas of residential, commercial, industrial, public and institutional renewal in Newark.
- c. To develop a program of administrative action necessary to achieve renewal in a ten-year period involving:
 - Code enforcement and structural rehabilitation
 - Neighborhood and community organization
 - Traffic regulation
 - Stimulation of private housing investment
 - Coordination with related housing programs
 - Elimination of non-conforming uses
 - Other pertinent administrative elements
- d. To determine the cost and order of priority of carrying out the ten-year renewal program with such determinations based generally on the proposals of the City's Master Plan and on the priorities set forth in the city's Capital Improvement Program.
- e. To develop recommendations for workable procedures and organization in order to annually review and up-date the administrative procedures under (c) and the schedule of costs and priorities under (d).
- f. To analyze the impact of renewal relocation on the

availability of housing in Newark and to suggest a timing of construction and rehabilitation that will minimize the harmful effects of large scale relocation.

- g. To develop a generalized plan (including land use, public improvements, finance and relocation) for completion by the end of the ten-year period for all renewal areas delineated.
- h. To develop other plans and programs related to the above items and presented in detail in the First Interim Report.

The entire renewal program developed by this Demonstration Grant Project is being presented in three separate publications. The First Interim Report of April, 1959 dealt primarily with the sources and nature of the data, their applicability and limitation and the construction of a housing "scoring" system to help identify clearance, rehabilitation and conservation blocks and areas. It also included a summary of the physical and planning features of Newark, such as its neighborhoods, transportation network and community needs and facilities, i. e. schools, parks, playgrounds, etc. This first report also presented a discussion of a proposed rooming house regulation and an outline for an aesthetic survey of the city.

This, the Second Interim Report, continues the intent of the Demonstration Project and utilizes the data and criteria to delineate residential clearance, rehabilitation, and conservation areas. It relates these areas to existing neighborhoods and

communities in Newark and develops the major administrative and planning elements of a ten-year urban renewal program with particular reference to the clearance, rehabilitation and conservation character of its neighborhoods. In addition, the Second Interim Report delineates and evaluates the industrial districts of Newark as a prerequisite for the selection of specific non-residential renewal areas. It concludes with an analysis of the need, scope and possibilities of a non-conforming use regulation and an evaluation of a "pilot" aesthetic survey.

The Final Report will incorporate the findings and conclusions of the preceding two studies. It will also develop a financial evaluation of the total cost of urban renewal, a priority system that will include both projects and neighborhoods and proposals for an annual up-dating of the long range renewal program. This concluding Report will also present an analysis of the relocation volume that will be engendered by such a program and will develop a generalized re-use plan for each neighborhood.

CHAPTER I - INTRODUCTION - THE NEWARK FRAMEWORK

Any attempt to delineate the renewal areas and forms of treatment for the entire city of Newark must consider some of the more basic developments that characterize and give pertinency to the selection and evaluation process. A long range (ten-year) plan of urban renewal will unfold within the context of housing, neighborhoods, population, and socio-economic changes that are already discernible today and these dynamic elements are briefly discussed in this introduction.

Housing in Newark

A large proportion of Newark's housing is now old and is being subjected to very significant deterioration pressures. Ten years ago, the Census reported that two-thirds of all dwelling units were built prior to 1920 and that one out of every five units or 19.9 percent were substandard, i.e., lacked a private toilet or bath or were in dilapidated condition. A recent survey of all Newark properties undertaken in 1957 for the Newark Department of Revenue made it possible for the Project to determine that about 25 percent of the predominantly residential blocks in the city had a "quality score"⁽¹⁾

⁽¹⁾ A weighted index developed and field tested by the Staff of the Newark Central Planning Board as part of this Demonstration Project that considers age, physical deterioration, obsolescence, central heating, plumbing facilities and environmental factors in the total score for each structure.

that clearly called for clearance action while another 27 percent were blocks where the structures obviously required physical rehabilitation. According to this measure, about half of all residential blocks in Newark need some anti-blight action. It should be realized that a very substantial portion of all residential buildings in Newark were erected prior to the introduction of present zoning and housing ordinances. This practically "dictated" high lot coverages and very narrow side yards in many sections of the city. As a result, a considerable number of apartments suffer from lack of space, air and light. Crowding of the land is now a fixed feature and Newark, with almost 25,000 persons per square mile (excluding Meadowlands), has a population density almost as high as New York City's and stands very near the top of all cities in the United States in this respect.

The absence of early adequate controls also made possible the mixed residential-industrial block and area, a further factor in depressing housing quality and values. Almost inevitably the worst of Newark's housing stock is concentrated in the central areas where overcrowding, dilapidation and lack of adequate facilities are at their highest. A recent survey of the Newark Housing Authority found that 62 percent of the 1,648 residential structures in the Old Third Ward were substandard by reason of being dilapidated, overcrowded or lacking in toilet, heating or kitchen facilities.

However, major ethnic and income changes are taking place in the city which have the effect of subjecting an already old and heavily used housing stock to further wear and tear. The very substantial

out-migration of white families, (discussed later) the influx of Negro and Puerto Rican households, and the pronounced movement of whites from the central areas outward has introduced new dimensions to this problem. Firstly, the newer arrivals are, as a group, in the lower income categories and consequently can less easily afford adequate housing upkeep. Secondly, the population turnover has increased the "usefulness" of converted accommodations and rooming houses so that these kinds of inadequate facilities in structures have multiplied and spread rapidly. There are over 3,000 registered and an estimated 5,000 additional rooming houses in Newark today, most of them in existence since 1950. Finally, the psychological overtones that cause property values to drop (almost always temporarily) when Negroes acquire white property, is very much part of the housing picture in Newark today.

Residential structures and neighborhoods are, of course, a fabric for family existence and their preservation and improvement would entirely justify a long range renewal program. But they are, in addition, the single largest source of revenue for the city and the biggest part of its physical plant. (Housing occupies 45 percent of all privately developed land in Newark). The decline of real property values that accompanies housing deterioration bears directly on the physical and financial future of the city, and therefore on its immediate and ultimate viability.

In most urban areas, the long term upgrading of the housing stock depends to a large extent on the volume of new residential construction. This has been very meagre in Newark during the post-war years despite the low vacancy rate (0.7% in 1950), the

enormous pressure for better homes and apartments and the maintenance of the birth rate at an overall high level since World War II. A total of 10,190 dwelling units have been constructed since the end of the war through 1958 of which 4,976 were public housing units. On the other hand 3,538 were demolished leaving a net addition of 6,652 public and private units for the 14 year period. This amounts to an exceedingly small annual average of 475 net housing accommodations added to the inventory in the post-war years.

In 1947, the Master Plan for the City of Newark suggested that an annual average of 2,220 dwelling units would have to be constructed for the next 25 years in order to meet the needs of new family formation and rid the city of its worst slums. Twelve years have already passed during which the actual annual average construction rate was about 730 units. If the estimates in the 1947 Master Plan were realistic, Newark is not only falling short of its housing needs but witnessing the creation of slums much faster than they are being eliminated.

To fully appreciate the factors that are rapidly aging and deteriorating Newark's housing inventory would require an investigation into many facets of the housing market that cannot be encompassed here. Such a study would help define the possibility inherent in a long range urban renewal program by treating such factors as the size and nature of the white and non-white housing demand, the tax structure and its relation to housing investment, the rate of returns on housing capital and other financial impediments to new housing and rehabilitation. While such treatment is

outside the scope of this project, it is nevertheless obvious that physical deterioration and blight is spreading very rapidly in the face of practically no off-setting forces in many Newark communities today.

Population Trends and Movements

As indicated in the First Interim Report, the population of Newark seems to have remained relatively stable since 1950 when it stood at 438,776 persons. During the past several years, a number of public and private bodies have presented estimates of Newark's current population that range from 445,000 to 466,500 persons⁽²⁾ indicating that a slight increase may have taken place. While the Market Planning Corporation Report for the Mayor's Committee on Group Relations indicated a very small decline in household population, this could still be quite consistent with the total population gain. In any event, no major changes in the total number of people seems to have occurred in the last 10 years.

Of much greater importance, however, to the meaning and practical implementation of a comprehensive urban renewal program is the fact that since 1950 the non-white and Puerto Rican population has increased considerably, the white population has decreased and the movement of the major racial groups within Newark has been sharp and sustained. The Department of Health and Welfare estimates the 1958 non-white population at about 100,000 but this admittedly

⁽²⁾ These include estimates by the Rutgers Business Executives Research Committee, Sales Management, the Newark Central Planning Board, the State Planning Bureau of the New Jersey Department of Conservation and Economic Development, the N.J. Public Service Corporation, the Bureau of Municipal Research and the Newark Department of Health.

is an unrealistically low figure. In a report to the Mayor's Committee on Group Relations, the 1956 non-white population was estimated between 110,000 and 130,000 persons while a subsequent study for the same agency put the number of Newark non-whites at 142,625 (The latter estimate is for Negroes in households as distinguished from the total Negro population). Clearly all available evidence points to a very substantial rise in the number of non-white families and individuals during the past decade.

TABLE 1
POPULATION TRENDS IN NEWARK 1930 - 1959

YEAR	TOTAL	WHITE		NON-WHITE	
		NUMBER	PERCENT OF TOTAL	NUMBER	PERCENT OF TOTAL
1930	442,337	402,596	91.1	38,926	8.9
1940	429,760	383,534	89.4	45,984	10.6
1950	438,776	363,149	82.9	74,965	17.1
1959 (EST.)	450,000	320,000	71.1	130,000	28.9

NOTE: PUERTO RICANS INCLUDED IN WHITE AND NON-WHITE TOTALS. THE VERY SMALL NUMBER OF NON-WHITES OTHER THAN NEGROES (i.e. ORIENTALS AND AMERICAN INDIANS) IS NOT SHOWN SEPARATELY BUT IS INCLUDED IN THE TOTAL.

SOURCE: GROUP RELATIONS IN NEWARK - 1957 BY CHESTER RAPKIN AND EUNICE AND GEORGE GRIER FOR YEARS 1930, 1940, and 1950. TOTALS FOR JANUARY, 1959 REPRESENT A "CONSENSUS" OF RECENT ESTIMATES.

The net decline of about 43,100 white families (caused mainly by the out-migration of Newark families to suburban areas) was

more than matched by a net gain, (essentially via in-migration) of 55,000 Negroes during the past decade. As shown in Table 1, this represented a loss of almost 12 percent of the white population and a 73 percent gain in non-whites. Consequently, 10 years ago Newark's non-white population accounted for 17 percent of the total but today it stands at an estimated 29 percent. According to the 1958 survey undertaken by the Market Planning Corporation(3) over half of all Negro households which have moved to Newark in the past 10 years, came from the South Atlantic States, while 55 percent of the Puerto Rican households came directly from the Puerto Rico. The latter group is numerically small, (estimated at about 13,000) but together with the recent Negro in-migrants represents an increasing population segment whose lower effective or "buying" income, previous shelter standards and present housing aspirations inevitably affect not only the economic base of the entire city, but the very core of the urban renewal program in Newark.

Distribution and Mobility of the Population

Just as the nature of the current and future housing stock in Newark is a key element in area selection and proposed urban renewal neighborhood treatment, so is the pattern of internal movement. For, while the latter is closely related to the demand and quality of housing, it is also an exceedingly important

(3) A study of the demographic housing, income and other characteristics of Newark's households based on a stratified, random sample of interviews with 4,000 household heads.

independent factor that produces insights into the relative growth and decline of communities, the mental image that white and Negro families have of neighborhoods, the tensions engendered, and ultimately, but most importantly, the viability of community processes.

It is rather important to note that, by 1950, Newark's non-white population was dispersed throughout the city to a much greater degree than in many urban centers of comparable size. This is borne out by the fact that all of the city's 98 census tracts had non-whites in 1950. Nearly three fifths of all census tracts had at least 100 non-whites and over one fourth had 1,000 or more. Despite the fact that Negro residential concentration in 1950 was still considerable, (51% of all Negroes lived in 11 census tracts), there must have occurred a substantial amount of internal movement in Newark prior to that year.

This is clearly the case from 1950 onward, during which time white and non-white household movement was especially marked. Information on the mobility pattern by neighborhoods became available as a result of the Market Planning Corporation study and some of the detailed origin and destination data as well as a number of illustrative maps are shown in the Appendix to this report. A summary of these highlights reveals that, almost without exception, every neighborhood in Newark participated in the racial changes that accompanied the movement of household population. The general pattern of movement for Negroes was from the older and more inlying areas to other neighborhoods and what appears to be a simultaneous in-migration of non-white and Puerto Rican

persons into these older areas. Between 28 to 43 percent of the Negro heads of households in every neighborhood stated that their last movement between 1948 and 1958 was from the Central Ward (the geographic heart of town) to their current location. In this process, an area like Clinton Hill (see First Interim Report for Neighborhood Delineations), which is about midway between the geographic center of Newark and its southern boundary is both a significant destination of outwardly mobile Negro families and an important origin of other Negro families on the move still further outward. It is this phenomenon, with all its urban renewal, neighborhood stability and housing and planning implications that is likely to emerge as the major aspect of Newark's development in the next decade.

Appendix Table I indicates that almost all communities experienced very little change in their total population level but very substantial shifts in the white, non-white composition of their inhabitants. (These community boundaries were delineated by the Mayor's Commission on Group Relations and are not identical with the political boundaries of "wards" in the city). In general terms, the white and Negro population movements are motivated by a number of factors, of which the search for better housing and community life seems to be paramount. The white population of Newark has been following the familiar pattern of recent urban movement, i.e., they move further out from the center and some cross over into the suburbs. As a result, the neighborhoods at the northern, southern, and western limits of Newark are attracting whites from closer-in areas and, to some extent, even

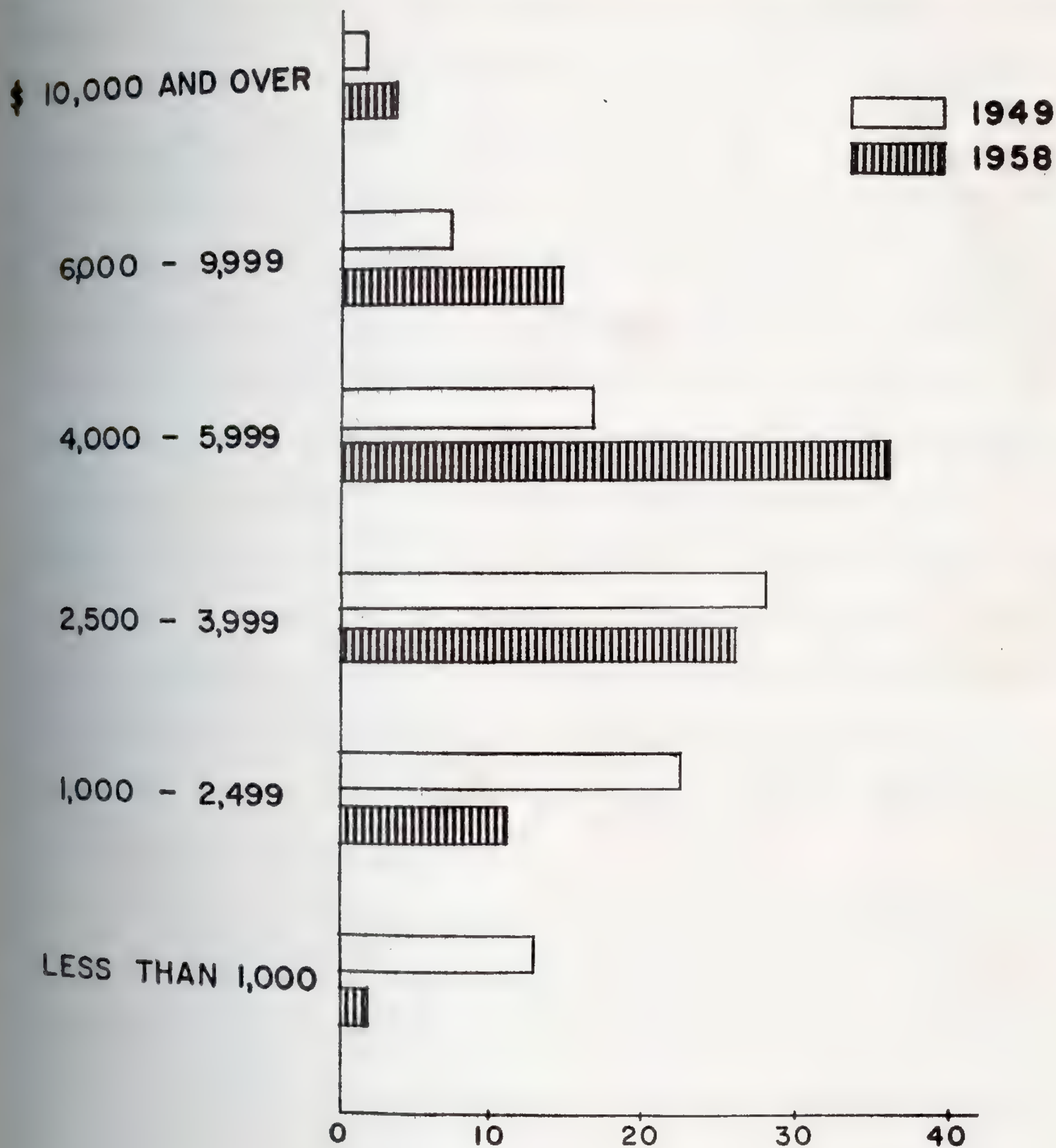
from the suburbs. One of the significant conclusions of the Market Planning Corporation report is the fact that white out-migration is not wholly motivated by the presence of Negroes. For instance, the "opinion" phase of their survey revealed that while 16 percent of the whites who planned to move said they did not want to live near Negroes, 28 percent said they wanted better housing and another 16 percent had special reasons for moving, such as change of job. It should be noted, moreover, that on a national basis, almost one-fifth of the population change address each year.

Changing Income Levels

Recent evidence indicates a significant upward trend in household income of Newark residents during the 1950's. The sample survey of the Market Planning Corporation shows that the median family income (including the income of single person families) increased from \$2,961 in 1949 to \$4,375 in 1958. This represents a 47.8 percent gain in money income and a 23.8 percent rise in constant (1958) dollars, i.e., after adjustment for the rise in the Consumer Price Index between 1949 and 1958. Family income data for 1949 were collected during the 1950 Census from a 20 percent sample of the entire population, while the 1958 data were based on a much smaller sample.⁽⁴⁾ Comparisons may, therefore, be affected by

(4) The sample of the Market Planning Corporation covered single person and more than one person households. This is most nearly related to the 1949 income distributions of families and unrelated individuals of the US Census of 1950 and comparisons are made on this basis. The 1949 median and distribution in this report differ somewhat from those used in the First Interim Report, since only family income data (not including income of individuals) were used in the latter.

DISTRIBUTION OF NEWARK HOUSEHOLDS BY INCOME GROUPS 1949 AND 1958



PERCENT OF HOUSEHOLDS

NOTE: INCOME NOT REPORTED 1949 - 10.8%
INCOME NOT REPORTED 1958 - 8.8%

SOURCE: "NEWARK - A CITY IN TRANSITION", VOLUME I, TABLE 35
MARKET PLANNING CORPORATION FOR MAYOR'S COMMISSION
ON GROUP RELATIONS JANUARY 1959

differences in sampling and reporting. However, the direction and magnitude of these income trends in Newark seem substantially valid since they rather closely reflect U. S. total urban experience between these years. In addition, a very similar kind of rise has occurred in New York City which has been experiencing essentially the same kind of population shifts as Newark.

As shown in Appendix Table II and the accompanying chart, the rise in median income has been characterized by marked upward shifts in the distribution of income. In 1949, 63.5 percent of all Newark families were earning less than \$4,000 a year; by 1958 this group had decreased to 38.8 percent. During the same period, the number of families reporting annual income between \$4,000 and \$6,000 climbed from 16.6 to 36.1 percent. Equally noteworthy is the sharp increase in the number of families in the \$6,000 to \$10,000 category which, in 1949 accounted for 7.3 percent of all families and by 1958 had doubled in size to 14.6 percent of all Newark families. Even households in the \$10,000 and over class increased considerably.

Gains in purchasing power indicated by this evidence are inevitably translated into higher expenditures for housing, consumer goods, and services as well as savings and represent a strengthening of the economic position of the city. But of overriding importance to the scope and impetus of a long range urban renewal program is the fact that, despite the movement to the suburbs, the middle income group remains not only a very significant component of Newark's population but also a rapidly growing one. This is because the rising level of wages is shifting lower income families

into middle income brackets, a process that is also operative, but to a lesser degree, from the middle to the higher income groups. Abetted by the growth of families with more than one wage earner and especially by the continued entrance of married women into the labor force (phenomena that are national in scope), Newark has been able to appreciably strengthen its white and non-white middle income base. It should be recognized that an upwardly mobile social and economic population such as appears prevalent in the city, will create a demand for housing and neighborhood amenities in keeping with what these groups can command in dollars and cents, their self-image or level of aspiration, and their evaluation of what is possible and desirable in housing compared with the high level of technology in most of the consumer-durable fields, i.e. automobiles, home appliances, etc. These factors cannot be ignored in the process of developing the role of public and private effort and investment in the renewal of Newark's housing and communities.

The Regional Backdrop.

The fact that the US Census Bureau has only recently accorded Newark the role of central city with a metropolitan area of its own (Essex, Morris and Union Counties), does not mean that a sudden and basic shift has taken place in its economy or "pull" vis-a-vis the rest of the metropolitan area. Newark has been, and for the foreseeable future, will continue to be, a major terminus of national railroads and airlines, an important coastal and trans-oceanic shipping center and the daily place of destination for hundreds of thousands of workers and shoppers from the northeastern

portion of the State and beyond. An important manufacturing center in its own right, Newark fulfills both a central city role in its function as central office, retail and cultural focus for its own metropolitan "backyard", as well as bearing a special relationship to New York City. Newark of course, has a two-way nexus with the rest of the metropolitan area in all aspects of transit, movement of goods, economic activity, housing, recreation, and most other forms of human endeavor. A successful urban renewal program designed to upgrade housing quality and prevent housing and neighborhood blight in the Newark core, will ultimately but inevitably affect 21 percent of all people and dwelling units in the Greater Newark Area, (i.e. Essex, Hudson and Union Counties) and 38 percent of all substandard units in the area i.e., the population and housing of Newark itself. Within the metropolitan context, this numerical weight is not inconsiderable.

Even more, the impact of a ten-year urban renewal program for Newark is bound to have repercussion beyond its municipal confines. Depending upon the renewal plans (or lack of them) in surrounding areas, Newark's action could very well ease housing pressures where they now exist or create new housing demands that are currently weak or non-existent and, as a result, substantially affect the patterns of in- and out-migration between the city and surrounding area. (5)

(5) The New Jersey Department of Conservation and Economic Development is currently exploring the region wide implications of urban renewal in the 9 counties of northeastern New Jersey as part of a 314 Demonstration Grant.

As an economic entity, Newark is also closely bound to its metropolitan environment. In the first instance, the inability of the central city to compete with the suburbs in some categories of retail sales has been producing a specialization in Newark that will inevitably affect the number and groups of retail stores and service establishments. Retail outlets carrying unstandardized items and a large variety of styles, types, colors, etc, are likely to withstand suburban shopping competition and even expand in the near future. In the key areas of manufacturing, transport and warehousing, the availability of vacant or cleared land at prices competitive with surrounding areas may become a crucial factor in location decisions. The expansion of the nation's economy during the next decade and the obsolescence of a portion of the older plant in Newark will create space needs here that are bound to be felt by a number of industries. If these needs are not readily satisfied, decisions to move will become inevitable despite the initial advantage that Newark enjoys in excellent transport access and facilities. This may be somewhat off-set by the impact of the large scale Port development but both factors are key elements in determining the size, needs and vitality of Newark's industrial districts.



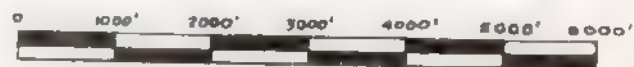
GENERALIZED LAND USE - 1957



RESIDENTIAL
COMMERCIAL
INDUSTRIAL
PARK AND CEMETERY
VACANT

URBAN RENEWAL - NEWARK, NEW JERSEY

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A DEMONSTRATION GRANT PROJECT



REAL PROPERTY, APPRAISAL FOR
DEPARTMENT OF REVENUE, CITY OF
AND CENTRAL PLANNING BOARD.

CHAPTER II - SELECTION OF RESIDENTIAL CLEARANCE, CONSERVATION AND REHABILITATION AREAS

Most cities have become heir to a considerable number of geographic sub-units in the course of their development. One of the earliest types was the ward or aldermanic district for political or legislative matters followed closely or, perhaps even preceded, by a wide variety of groups for administrative purposes such as police precincts, fire districts, school and sanitation districts, etc. These, of course, are still part of our urban government structure today even though later organizations such as the social service agencies have, from time to time, interposed another layer by dividing the city into health and welfare groupings in order to carry out their programs more effectively. Most of the above mentioned geographic areas have generally borne an incidental relationship to the distribution of the population, housing, and other major physical and social characteristics of the city. They were usually designed for a specific purpose and occasionally coincided with broader urban delineations only because of the pervasiveness of such distributions.

In Newark, membership organizations with intimate neighborhood identifications, i.e. YMCA's, community councils, and neighborhood associations, have been operating within areas that evolved originally on the basis of ethnic, racial and religious stratifications. There has, of course, been a steady influx and shifting of people

within Newark and it is safe to assume that community lines will be affected by such movements in the future as they have in the past. However, neighborhood attachments have been sufficiently strong to make delineations almost inevitable. For example, the Associated Community Councils (a city-wide organization of community groups) has a program that deals with eight neighborhoods embracing the entire city. The physical boundaries of these areas have been defined by the Council in order to focus their interest and develop a program in keeping with local needs. Wide recognition of the role of such neighborhoods in Newark's community life has been expressed by the Mayor's Commission on Group Relations and the Newark Commission for Neighborhood Conservation and Rehabilitation both of which have oriented much of their thinking and programs around these or similar delineations. Utilizing all available sources, the Newark Central Planning Board Staff identified 13 major neighborhoods and an equal number of sub-areas including several non-residential districts covering the entire municipal area of Newark. These were presented and discussed in detail in the First Interim Report of April, 1959.

The selection of areas within Newark for clearance, rehabilitation, and conservation as part of a ten-year program of urban renewal should proceed with a sensitivity to previous and existing geographic groups even though the criteria for such a selection will be necessarily weighted in terms of obsolescence, physical conditions and future re-use. From the broadest point of view, therefore, the rationale behind such groupings as school and police districts, health centers, hospital districts, as well as neighborhood

or community lines ought not to be disregarded. This is especially true since renewal and upgrading of Newark's housing and neighborhood amenities will inevitably affect the potential and, in some cases, the scope and form of recreation, health, social stability, and neighborliness in all parts of the city.

Perhaps the first attempt to select areas for differential renewal treatment was presented in the "Official Master Plan for the City of Newark" of 1947. As part of a comprehensive long range housing program, that report identified 51 residential areas bounded generally by main thoroughfares, railroads, industrial districts or other natural or artificial boundary lines. Even though the selection of areas was preliminary in nature, the attempt was made to define neighborhoods with populations large enough to support an elementary school and be considered "socially homogeneous." The Master Plan delineations, based essentially on the 1940 census tract description of substandard dwelling units, indicated that 8 of the 51 neighborhoods required complete clearance and redevelopment. These seriously deteriorated areas (generally surrounding the downtown business district) covered about 1,210 acres, or almost eight percent of the entire city and contained 26,000 dwelling units with 95,400 residents, the latter constituting slightly more than 22 percent of Newark's 1940 population. Blighted housing in 12 other communities (with substandardness ranging between 25 to 50 percent of all dwelling units) was recommended for partial clearance and rehabilitation while in 18 other neighborhoods a variety of rehabilitation programs were considered necessary to prevent further housing decay. Thirteen areas in the city were judged good in terms

of their housing quality and only preventive measures were recommended. There thus appeared to be a clear cut need for clearance or rehabilitation action in 38 of the 51 neighborhoods considered in the Master Plan of 1947.

Area Selection - Standards and Considerations

In an important sense, the city-wide examination of housing quality and renewal treatment developed in the Plan of 1947 was a pioneering effort. It established an appropriate, comprehensive framework for recognizing areas of blight and decay, differentiating between clearance, rehabilitation and conservation programs and attempted to relate the city-wide renewal and redevelopment effort to existing community interests. However, a great deal of national and local energy and attention has been concentrated on programs for urban renewal since 1947, and the scope of plans to rebuild and rejuvenate our cities has acquired a depth and meaning it did not possess 12 years ago. With it have developed new approaches, principles and techniques which this Second Interim Report and the Final Report will consider, in addition, of course, to presenting new techniques and new approaches stemming directly from this Demonstration Grant Project itself. Moreover, it is intended to examine and report in considerable detail on a number of renewal problems such as tenant relocation, a ten-year renewal priority, a financial estimate of costs and an evaluation of industrial districts, all of which were only briefly mentioned in the Master Plan of 1947. It is, therefore, essential that the Demonstration Grant Project not only strengthen and spell out the renewal

framework presented in the Plan of 1947 but also explore closely related areas of investigation. In addition, the major post-war housing, population and economic developments in Newark (including the changing core functions of the city, vis-a-vis the metropolitan area) are now in somewhat better focus than right after the war when the Plan of 1947 was formulated. Finally it should be remembered that most of the demographic and housing information available to the consultants for the 1947 plan reflected conditions prevalent in 1940 (almost 20 years ago), a significant time gap in terms of renewal needs.

For the purpose of delineating areas in Newark for clearance of slums, rehabilitation of adequate but declining residential structures, conservation of good dwelling accommodations and the identification and evaluation of industrial districts, it has been necessary to assemble a very considerable body of pertinent data in many fields. Some of the sources and nature of these data have been discussed in the First Interim Report. However, two sources should be especially recognized because their scope, up-to-dateness, and relevancy make them uniquely valuable for the delineation and understanding of areas of residential and industrial treatment. They also provide much needed insights into some of the population, household and economic trends that have characterized recent developments in Newark.

The first is the 1957 inventory of all property in the city prepared for the Newark Department of Revenue. Most of the physical, structural and financial information in this inventory was averaged on IBM cards by blocks so that a rapid and accurate method of deter-

mining deterioration and blight would be available.⁽⁶⁾ Included in these data were the following information:

1. Number and type of structures on each block
2. Age (physical and effective)
3. Degree of deterioration and obsolescence (as determined by the survey)
4. Number of dwelling units and rooms
5. Number of stories
6. Value of land and buildings.
7. Amount of land for residential, commercial, industrial institutional, and vacant uses.
8. Structural characteristics of buildings i.e., type of heating, type of exterior structure and degree of fire proof construction, etc.

The other important source of information was prepared by the Market Planning Corporation for the Mayor's Committee on Group Relations. This report was based on a sample of 4,000 household interviews in more than 800 blocks or groups of blocks in Newark. Volume I of this report included the following types of current

⁶This project has been extremely fortunate in having available the amount of data gathered in this inventory. It has been the intention of this project not to undertake a detailed house-by-house inspection but rather develop criteria for area delineation based on information of record and some field checking or testing. Basically census data, information supplied by Health and Building Inspection Officials, Tax Departments, field trips to areas by automobile, and other readily available sources, studies and data of community research organizations should suffice for general area appraisal and selection.

(1958) information for white, non-white, and Puerto Rican population by neighborhood:

Population characteristics

1. Movement and current distribution by neighborhoods
2. Age and sex
3. Place of birth
4. Family economic status
5. Income

Housing characteristics

1. Extent of home ownership or rental
2. Levels of rent
3. Number and kinds of recent home purchases

Supplementing these two basic sources were a variety of data of record developed from Newark city agencies and showing the distribution of crime and crime rates, location of persons on relief, the location of registered rooming houses, bars and gasoline stations, the site of post-war residential, commercial, and industrial construction and similar socio-demographic information. All other recent data and studies that might aid in delineating local areas of renewal treatment in Newark, as well as those relating to broader phases of Newark development, were evaluated and where appropriate, made part of this report. The land use information developed from the property survey as well as the expressway proposals of the Federal, State and City jurisdictions were particularly useful for area evaluation and study.

From these sources, it was necessary to select a number of the most pertinent kinds of information, distribute these on a geographic

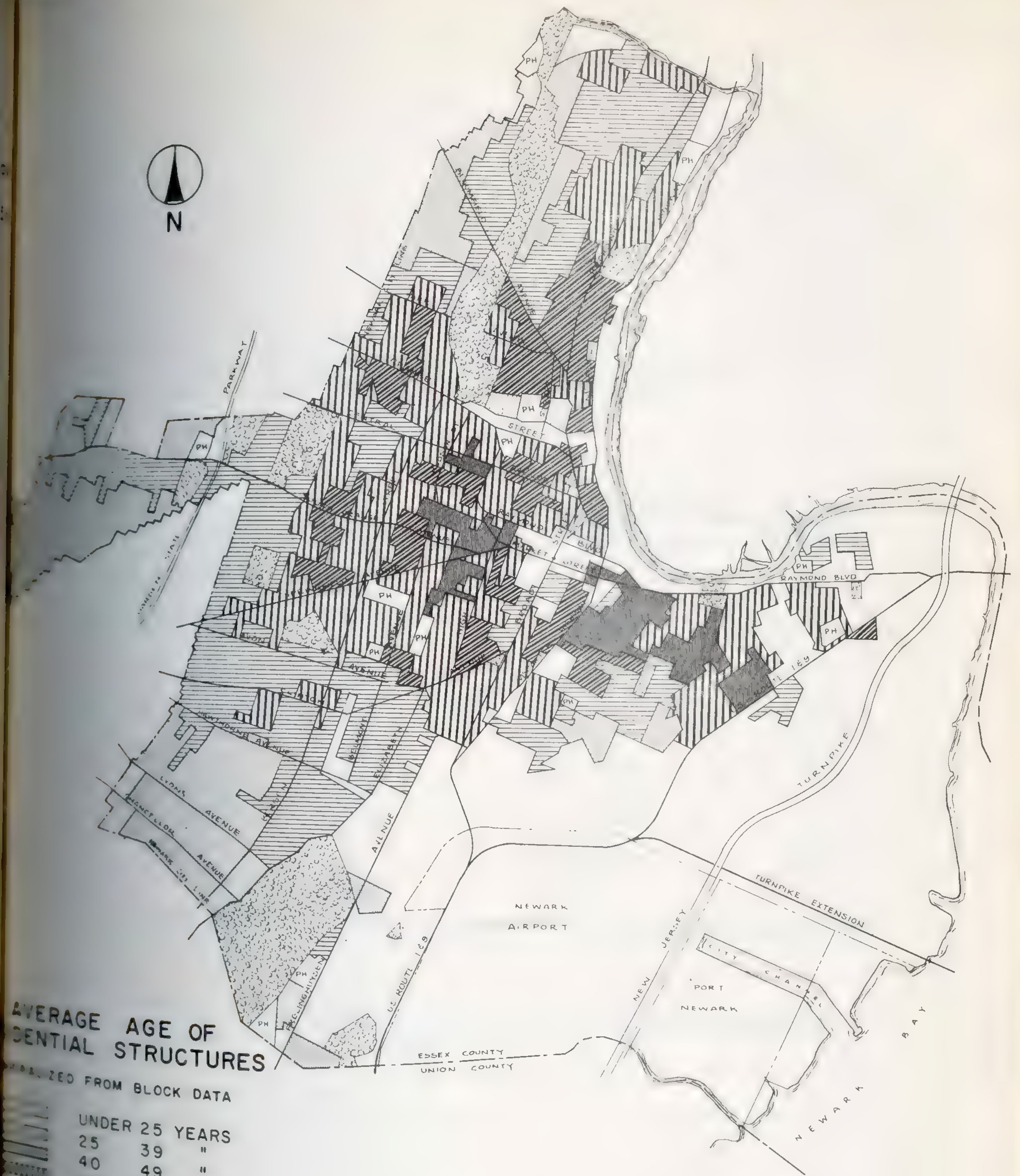
basis throughout the city and draw the boundaries of clearance, rehabilitation, and conservation areas based essentially on the pattern or "conditions" that emerge. For this purpose, the following information was mapped either on a block or more generalized basis:

1. Predominant land use
2. Weighted penalty score
3. Lack of central heating
4. Average net condition of residential buildings
5. Location of registered rooming houses
6. Age of buildings on predominantly residential and industrial blocks
7. Value per square foot of buildings in predominantly industrial blocks

Age of Residential Structures in Newark

Age is, of course, not always an adequate indication of a building's quality or usefulness. Nevertheless, in conjunction with other criteria, it can be a guide in depicting the distribution or range of housing quality throughout the city. As was indicated earlier, most of Newark's residential structures are quite old and have had to struggle against overwhelming elements of obsolescence and decay.

Only 53 residential blocks have structures averaging less than 25 years in age, while in 627, or 45 percent of all blocks, the average age of structure is over 50 years. Most residential structures in Newark are between 40 and 60 years old and when considered in the context of a very high proportion of frame structures plus



AVERAGE AGE OF CENTIAL STRUCTURES

BASED FROM BLOCK DATA

AVERAGE AGE OF CENTIAL STRUCTURES		
BASED FROM BLOCK DATA		
UNDER 25 YEARS		
25	39	"
40	49	"
50	59	"
60	69	"
70 AND OVER		
PARK & CEMETERY		
PUBLIC HOUSING		
VACANT & NON-RESIDENTIAL		
PROPERTY APPRAISAL FOR DEPARTMENT OF REVENUE, CITY OF		

URBAN RENEWAL - NEWARK, NEW JERSEY

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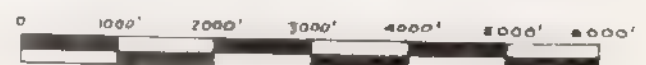


TABLE 2
AGE OF RESIDENTIAL STRUCTURES IN NEWARK
BASED ON BLOCK AVERAGES, 1957

AGE OF STRUCTURES BY BLOCK AVERAGE	DISTRIBUTION OF BLOCKS	
	NUMBER	PERCENT
LESS THAN 25 YEARS	53	3.8
25 - 39 YEARS	330	23.7
40 - 49 YEARS	386	27.8
50 - 59 YEARS	368	26.5
60 - 69 YEARS	214	15.4
70 YEARS AND OVER	45	2.8
TOTAL	1,396	100.0

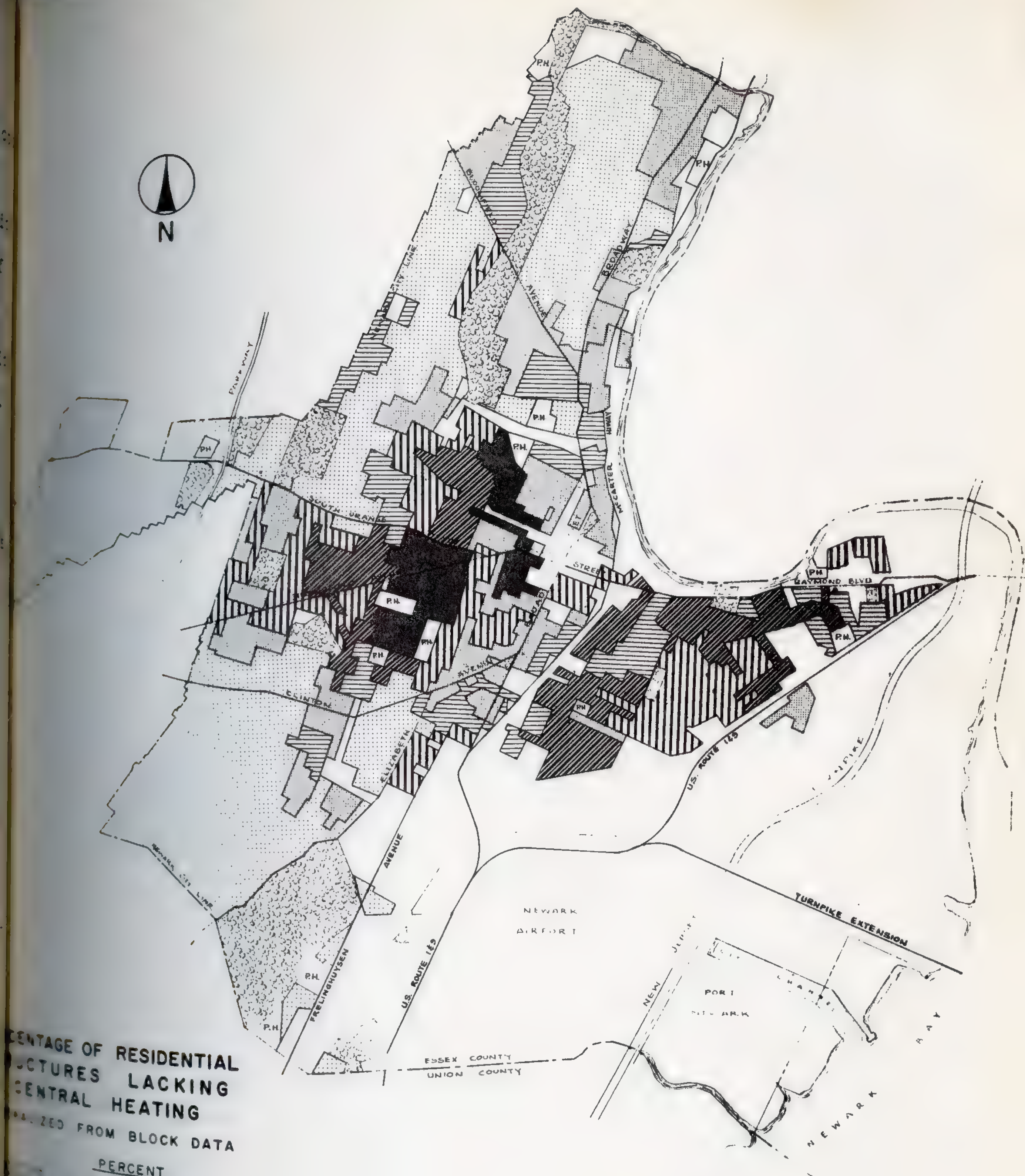
NOTE: DATA BASED ON PREDOMINANTLY RESIDENTIAL BLOCKS

SOURCE: REAL PROPERTY APPRAISAL FOR DEPARTMENT OF
REVENUE, CITY OF NEWARK

high population densities, it should not be surprising that blight and obsolescence have made substantial inroads. (See map site page 26). Considering age of structures only, it is clear from the generalized map that, unlike other housing characteristics which are being examined, there are not many well defined areas of new, moderately old, and very old housing structures in Newark. This is almost inevitable from the fact that such a high proportion of residential buildings are in the 40-60 year age group. Therefore, with the exception of some pockets of much older buildings scattered throughout most of the city and the location of a few newer buildings at the extreme northern, southern and western ends, most of Newark's residential areas are rather uniformly in the aging class.

Lack of Central Heating

A distribution of blocks containing varying proportions of buildings without central heating presents a different and much more typical geographic pattern. While the U. S. Census of 1950 did not enumerate this characteristic below the city level, the property survey mentioned previously tabulated this important quality for each structure and block summaries were developed. A generalized map (opposite this page) shows the extent of central heating deficiencies throughout the city. Here it is obvious that the inlying residential sections surrounding the central business district (including most of Ironbound) have a very substantial number of structures without central heating. Surrounding these districts are a number of areas that extend outward in irregular concentric patterns which contain a decreasing proportion of



PERCENTAGE OF RESIDENTIAL
STRUCTURES LACKING
CENTRAL HEATING
BASED FROM BLOCK DATA

PERCENT	
LESS THAN 10	10
10 - 29	29
30 - 39	39
40 - 49	49
50 - 74	74
75 AND OVER	

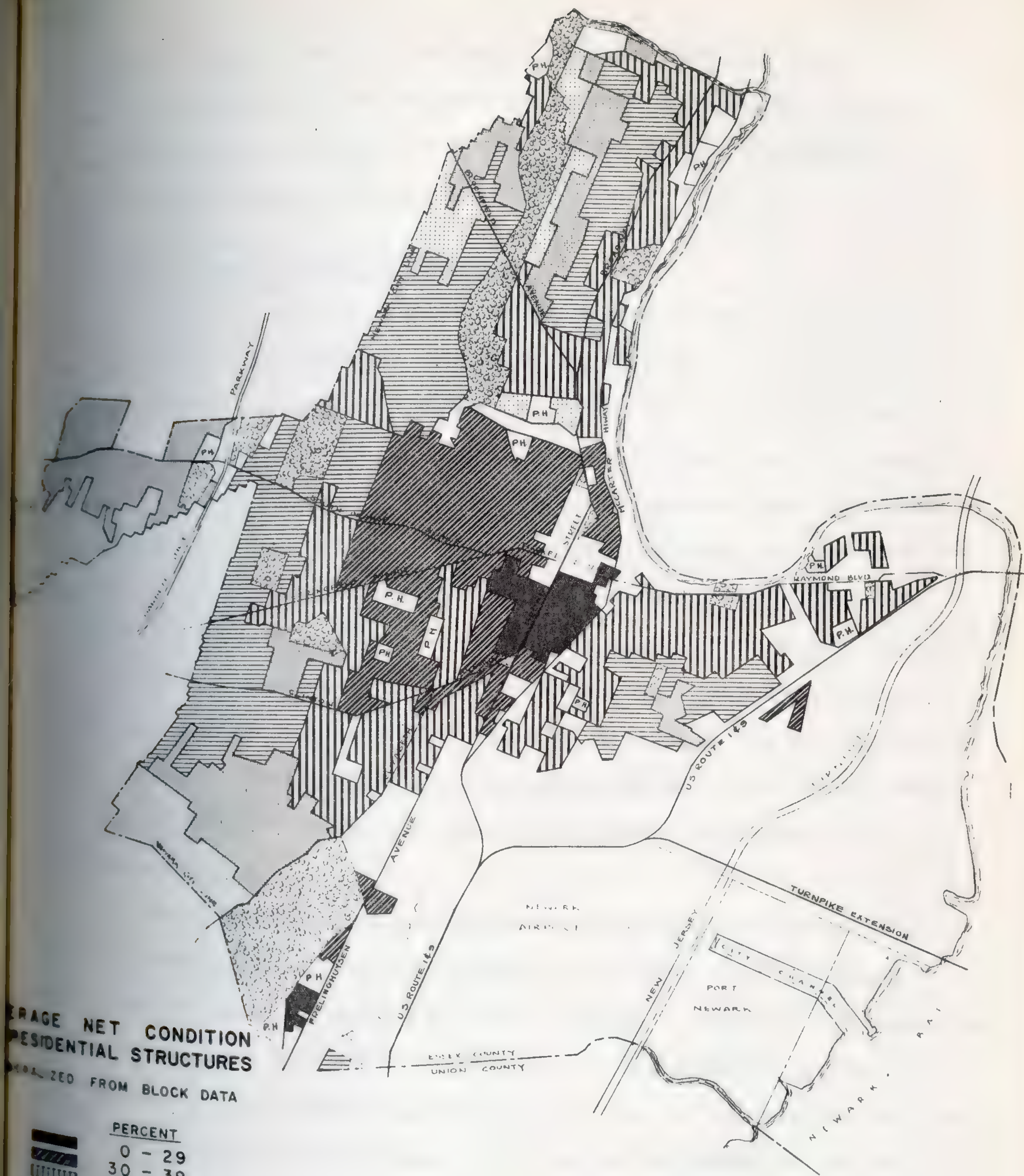
PUBLIC HOUSING
PARKS & CEMETERIES

REAL PROPERTY APPRAISAL
DEPARTMENT OF REVENUE,
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structures without central heating. Nevertheless, in sections close to the northern and western boundaries of Newark, there are a number of areas in which 10 to 40 percent of the residential buildings are without central heating.

Condition of Residential Structures

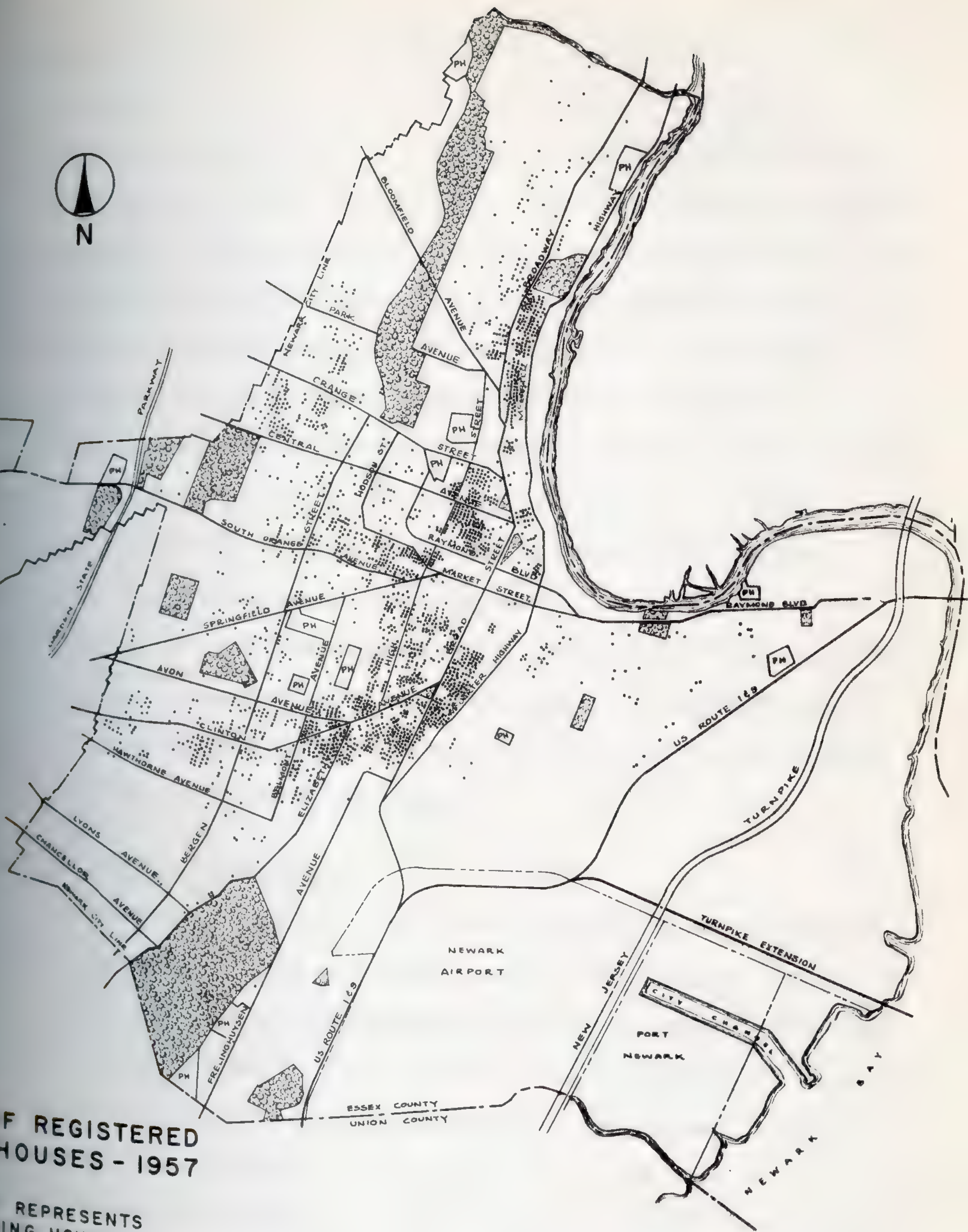
In order to develop a more comprehensive "tool" to measure the quality or condition of residential buildings in Newark, it was necessary to consider a number of other factors besides age and central heating. Utilizing the detailed data from the property survey, a "net condition" score was devised whereby each building was graded according to age, extent of modernization and alteration, quality of maintenance and extent of obsolescence (i.e., loss in building value over and above that caused by physical depreciation). These elements of depreciation and obsolescence were weighted in accordance with a technique described in detail in the First Interim Report and then incorporated into a single score. The latter were arranged by block so that the data would lend itself easily to area delineations.

The mapping of such a block score provides a considerably more sophisticated measure of housing quality for the city of Newark than would be possible with any single element. This is true despite the fact that the "net condition" score is essentially limited to an evaluation of the building itself and does not contain an environmental factor that is important for area and neighborhood selection and analysis. The latter, however, is accounted for in a subsequent housing index.

As in the two previous maps (age and central heat), the bl- data were generalized so that the physical condition of structures reflected in the score are grouped by larger areas of similar intensity. (See map opposite page 28). The pattern of distribution is not unlike what emerged from the mapping of central heating facilities but is more clear-cut here. Practically all residential blocks in and near the central district fell in the lowest range indicating the worst housing conditions in the city. The central core contains about 50 such blocks but is surrounded on the north west and south by an area almost three times its size where the housing quality, though somewhat better, is still poor. Moving outward (again in irregular, concentric rings), the quality of housing improves until such areas as Vailsburg, Weequahic Park and Forest Hill where above standard housing accommodations are located.

The Distribution of Rooming Houses

In Newark (as in most large cities) the existence and spread of rooming house accommodations is usually considered a factor of blight and an harbinger of residential decline. Rooming houses are a significant element in neighborhood instability because of their generally high incidence of overcrowding, poor physical facilities and equipment, transient population, and the difficulty in regulating them effectively. Data are incomplete on the total number of rooming houses in Newark, but under the present system of control about 3,000 are registered. Some estimates have placed the total number of rooming houses as high as 8,000. Distributing the regis-



DISTRIBUTION OF REGISTERED
ROOMING HOUSES - 1957

EACH DOT REPRESENTS
1 ROOMING HOUSE

NEW JERSEY BUREAU OF SLUM CLEARANCE,
DEPARTMENT OF HEALTH AND WELFARE

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tered rooming houses by block, highlights the significant fact that they are not confined to the central area of the city at all, but are heavily concentrated in a number of other areas and widely scattered elsewhere. Thus, while their location generally follows the condition of structures distributions, it is evident that they have spread and infiltrated into all Newark neighborhoods with the possible exception of those of top quality. In the context of a comprehensive urban renewal program, their geographic distribution helps determine the selection of areas for clearance, rehabilitation or conservation while it focuses attention on a very substantive problem of housing and neighborhood deterioration. As part of a broad program for the upgrade of the housing stock, there is now before the Municipal Council an ordinance to regulate, license, inspect, control and limit the number of rooming houses in Newark. Some of the basic concepts of this proposal have been discussed in the First Interim Report.

Location of Relief Recipients

In addition to the use of physical characteristics of housing accommodations to delineate treatment areas, there are a number of social imbalances that are geographically so distributed that they can serve as area guides. These include such phenomena as the number of arrests or criminal violations, incidence of disease, broken homes, juvenile delinquency, the location of fires, use of narcotics, etc. The urban experience of at least half a century has pointed to the fact that these malfunctionings are complex behavior patterns that may or may not be causally related to the quality of housing.

While it is inappropriate to speculate here on this relationship, it is nevertheless of some value to assess the geographic distribution of these data. For example, the location of relief recipients while not shown in this report, has been studied. In the sense that these families could afford generally the poorest housing in the community, their pattern of concentration is suggestive. For example, relief recipients are heavily concentrated in the approximate geographic center of Newark with a tendency to spread southward. Obviously not all poor or deteriorated dwelling accommodations in Newark are occupied by relief recipients (as a matter of fact, very few relief families reside in the Ironbound area where a considerable number of structures are less than standard) nor do all such families invariably occupy the worst housing. Nevertheless the relationship does exist and is a useful one in the context of neighborhood delineations. Furthermore, the location of families on relief plus income data on an area basis give insight into the realistic potentialities where structural rehabilitation is involved since the financial resources of individual families is an important consideration in such areas.

The Weighted Penalty Score - Over-all Housing Quality

Perhaps the most acute measure of the degree of residential blight in Newark (constructed with the information available in the property survey) is the scoring system called the Weighted Penalty Score. As with our previous data, each housing structure on the block was scored and a simple average was computed for each block. These range from 0 to 100 on an ascending scale of deterioration

of blight, i.e. those blocks with the lowest scores had the best quality housing and, as the score increased, the buildings on the block became progressively worse. The score itself was composed of the following elements:

1. Physical depreciation
2. Obsolescence
3. Type of heating
4. Number of plumbing fixtures
5. Environmental factors (i.e. building coverage and incidence of mixed land uses)

Additional analysis of these factors, as well as the methodology employed in combining them into the Weighted Penalty Score, was described in the First Interim Report.

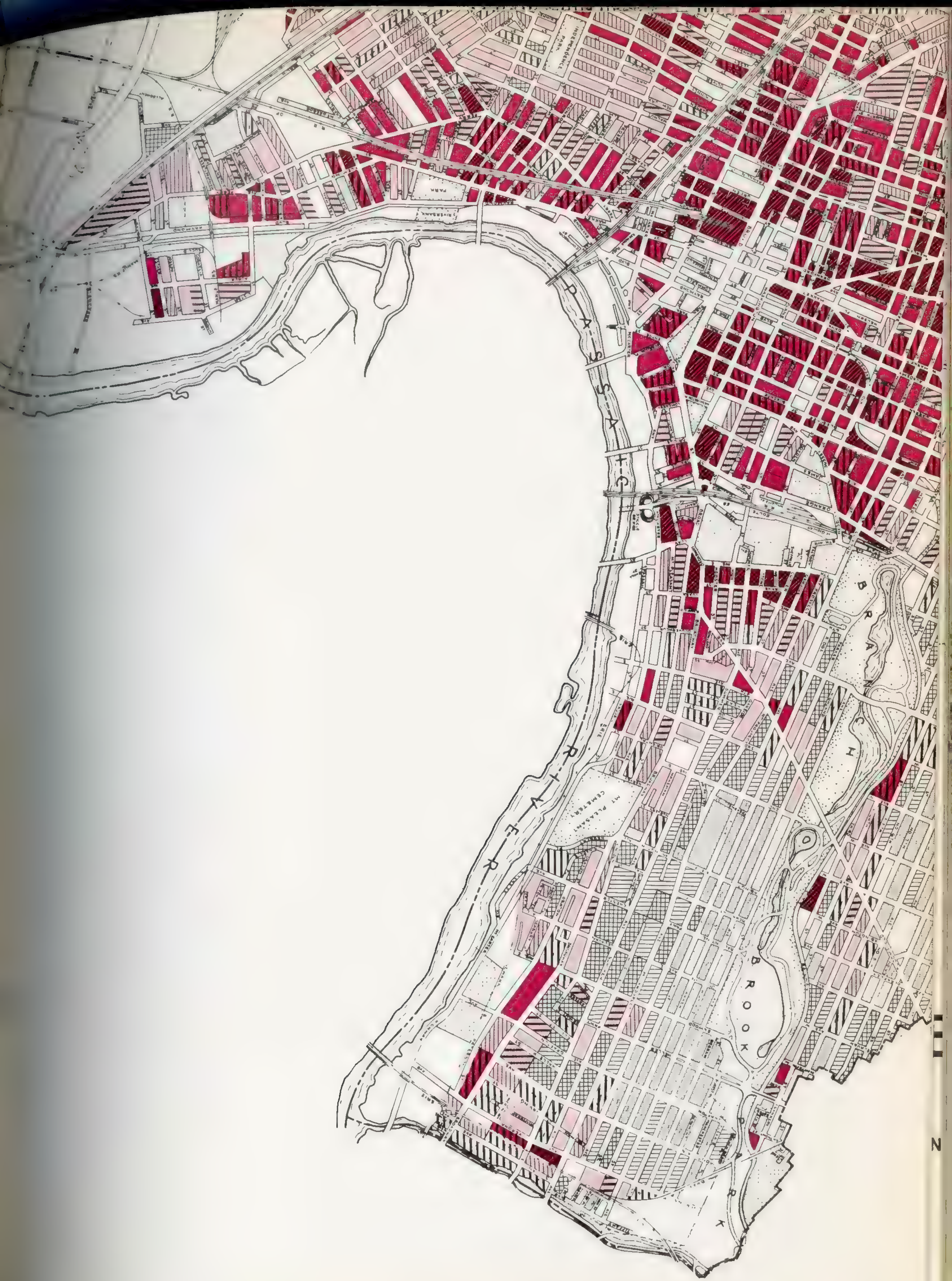
In order to measure the validity of this scoring system, a number of field checks were made by the staff. In one such check, thirty blocks were chosen in three different areas of the city and these blocks were ranked according to their degree of blight. Each block was also assigned to one of the following categories: good, conservation, rehabilitation or clearance. When the field rankings and classifications of the 30 blocks were checked against the rankings of the Weighted Penalty Score, the correlation was extremely close. (The coefficient of rank correlation was .95, a very high one.) Another independent check was made possible through evaluating the incidence of housing blight in a 14-block area of the Clinton Hill section, part of an urban renewal project and plan for that neighborhood. Agreement between the housing quality of these blocks based on the field check and the Weighted Penalty

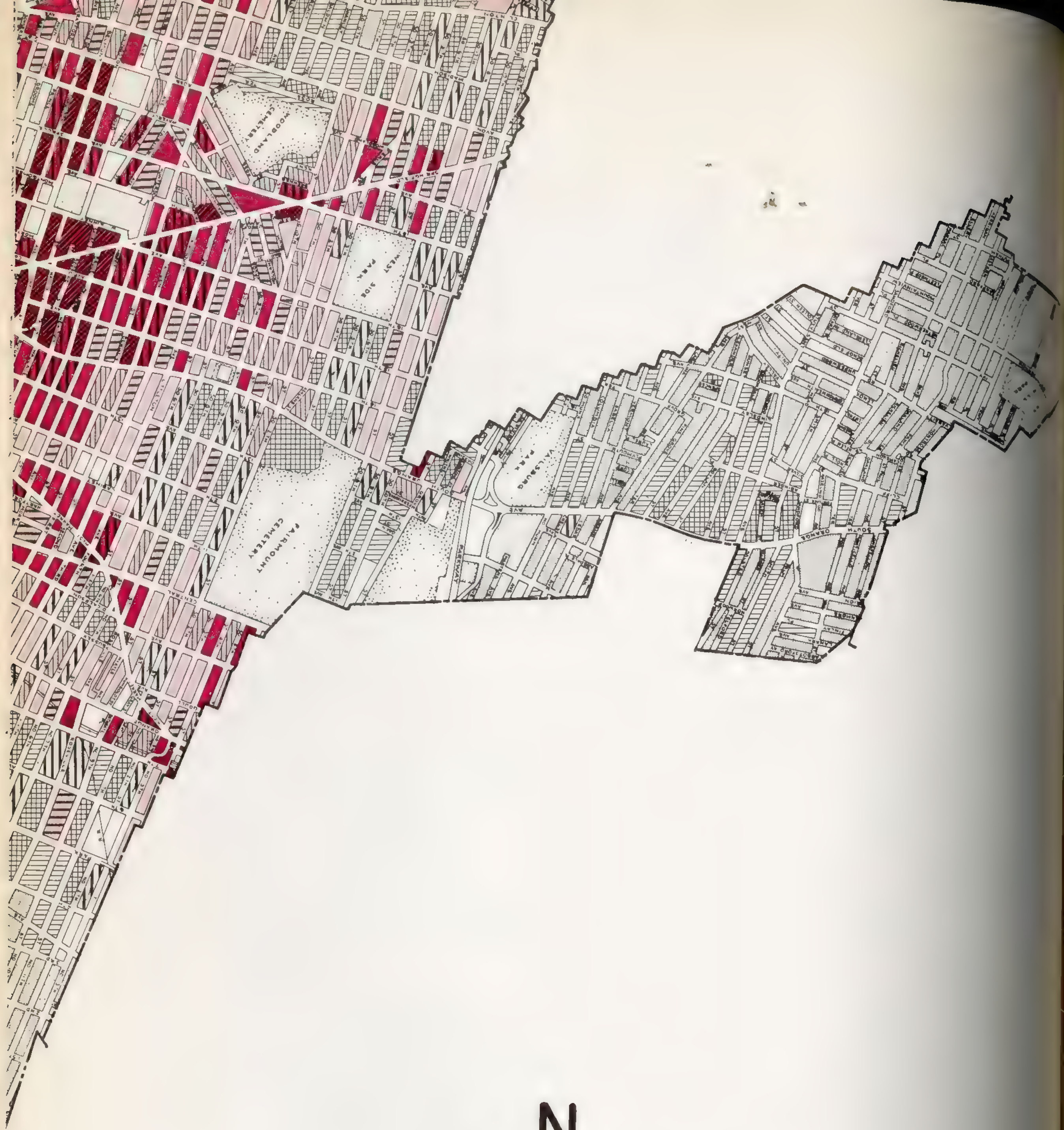
Score was also high.

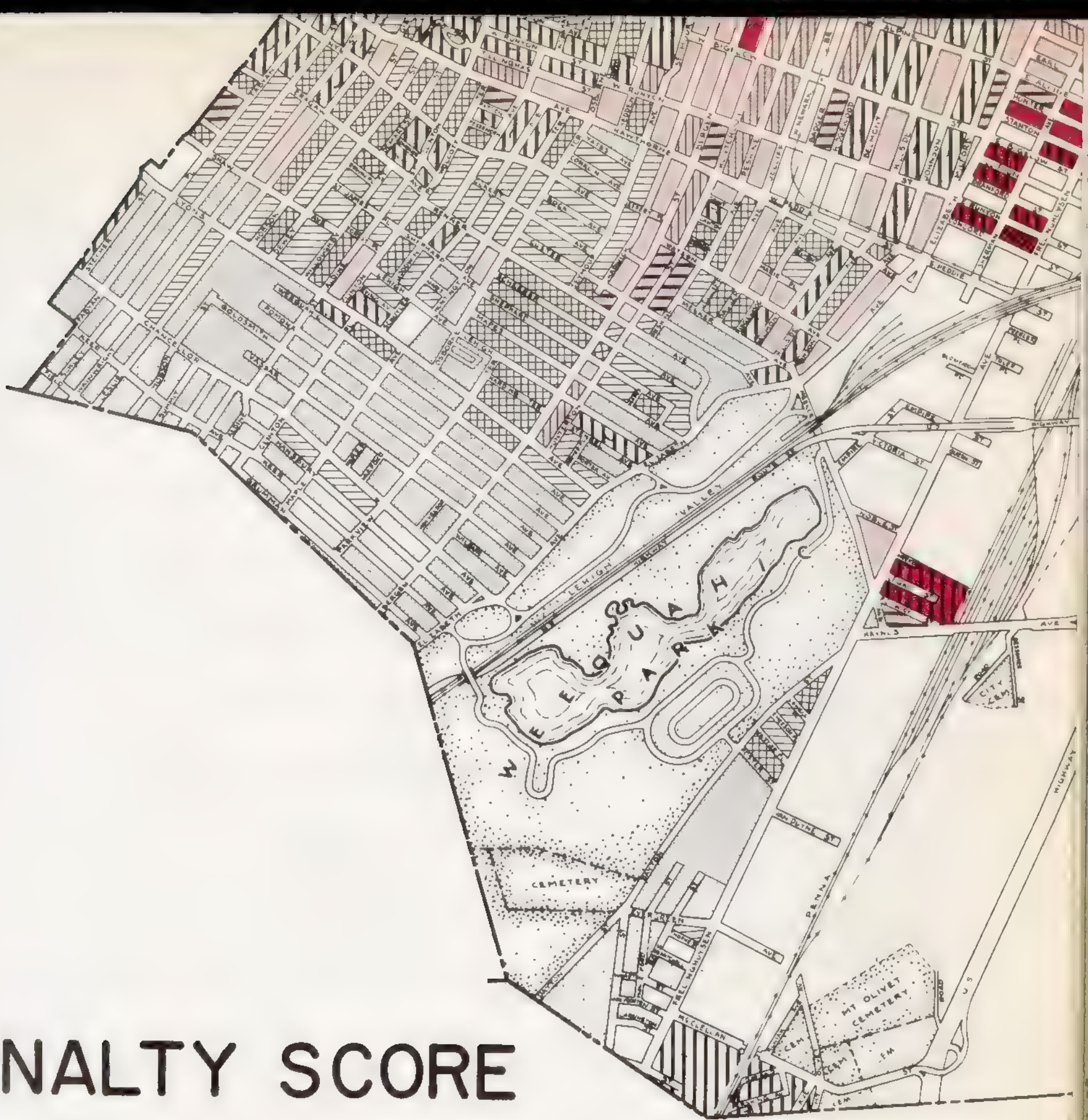
A distribution of the block scores has been made for every block in Newark with five or more dwelling units and is shown on map opposite this page. Not only is it clear that over-all housing quality falls into a recognizable geographic pattern but it is possible to ascertain considerable gradations of housing quality on a block by block basis. Thus, the scoring system enables us both to delineate areas of differential treatment and to establish qualities of housing conditions within these areas. As will be indicated later, this is an extremely useful tool for evaluating the number of clearance blocks in rehabilitation areas, the number of rehabilitation blocks in conservation areas, etc. In this manner a much more realistic evaluation of the renewal task for Newark is made possible.

Urban Renewal Areas in Newark - Residential

From all the foregoing data and analyses, it has been possible to select residential areas in Newark that are most appropriate for predominantly clearance, rehabilitation or conservation treatment. These areas include practically all housing units in the city and, by the same token, exclude the large industrial district and the downtown commercial area. However, a number of industrial blocks in the Ironbound and elsewhere in Newark where residential and industrial uses are mixed are included in the areas of suggested residential treatment. At this stage, no attempt has been made to follow any existing functional neighborhood demarcations and clearance, rehabilitation and conservation areas are purely the







WEIGHTED PENALTY SCORE AVERAGE BY BLOCK

CONSERVATION

	LESS THAN 15
	15 - 19
	20 - 24
	25 - 29
	30 - 34

REHABILITATION

	35 - 39
	40 - 44
	45 - 49

CLEARANCE

	50 - 54
	55 - 59
	60 - 69
	70 OR MORE

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NEWARK CENTRAL PLANNING
A DEMONSTRATION GRANT

SOURCE: REAL PROPERTY APPRAISAL FOR THE DEPARTMENT OF REVENUE,
CITY OF NEWARK AND CENTRAL PLANNING BOARD.

creation of all the factors included in this study. Actually, it would be more accurate to speak of these geographic entities as rings rather than areas since they are generally arranged in irregular concentric circles around the center of the city. This pattern is particularly marked in the central, southern and western sections of Newark but does not hold true for the northern part of the city where a north-south park (Branch Brook) tends to break the ring arrangement. It should also be clearly recognized that none of these areas or rings are completely homogeneous in the sense that all blocks within them are equal or identical in quality of housing. For example, while most blocks and dwelling units in the designated clearance segments have reached slum proportions and should be demolished, there are some that would be susceptible to rehabilitation treatment. Similarly, the rehabilitation areas contain some residential structures that are sufficiently blighted to be torn down, and others that require merely preventive action and good maintenance even though the great majority are in need of structural rehabilitation and repair. This kind of quality admixture is, of course, an inevitable and a natural result of different rates of growth and decline in various parts of the city. The important point, however, is that the clearance, rehabilitation, and conservation areas can be patently identified and present a uniformity of housing quality that make them useful and, indeed, vital as a frame of reference for the upgrading and renewal program that the city should undertake in the next ten years.

There can be little doubt that the large scale clearance of slum housing would represent a major element in that long range

effort. The map showing "treatment areas" (opposite page 38) indicates that an unusually large part of the city in and near the central core has deteriorated to the point where nothing short of demolition and rebuilding will have any meaning. In the clearance areas are located the worst slums of the city, the most dilapidated and dangerous housing, the greatest concentration of rooming houses, the highest incidence of social disorder and the weakest identification with community life. Not unlike many cities in the U. S., this area surrounds the central business district whose future growth and development will be intimately related to the solutions (or lack of solutions) and re-uses that are devised for clearance areas. The rebuilding of Newark's clearance section is a job of the first magnitude since it involves 395 blocks or 25 percent of all residential blocks in the city (see Table 3). Approximately 105,000 people live in clearance areas and occupy 28,447 dwelling units or 23 percent of the city's total.

Areas designated for rehabilitation treatment are larger and contain more dwelling structures than the clearance areas. These are the so called typical "sections" of Newark where the two-to six-family frame structures predominate. While there are "pockets" of acute blight in a few of these areas, by and large, they contain residential structures that need a variety of repairs in order to prevent a decline into the slum category. These rehabilitation neighborhoods themselves (as distinguished for the moment from the quality of their structures) are volatile and have been undergoing rapid population and ethnic group changes in the past decade. If they are not included in a plan for renewal

upgrading, many of them will inevitably be lost to remedial action. While this will be spelled out in much more detail in a later chapter, a coordinated program of capital improvements, housing code enforcement, structural repairs and strengthening of neighborhood affinities are needed to prevent most rehabilitation areas from declining still further into clear and recognizable slums. Table 3 indicates that about 27 percent of all residential blocks in the city need a forward-looking program that a rehabilitation program can provide and that 12,476 structures containing 37,785 dwelling units will be benefitted (even though all are not structurally renovated) in the course of a ten-year urban renewal effort.

TABLE 3

POPULATION AND HOUSING INVENTORY IN RESIDENTIAL
CLEARANCE, REHABILITATION AND CONSERVATION AREAS
IN NEWARK - 1957

	CLEARANCE AREAS	REHABILITATION AREAS	CONSERVATION AREAS	
			(MAJOR)	(MINOR)
BLOCKS	395	430	438	312
STRUCTURES	7,992	12,476	14,010	8,498
DWELLING UNITS	28,447	37,785	34,618	22,093
EST. POP.	105,000	132,000	125,000	80,000

NOTE: EXCLUDES ALL BLOCKS IN THE C.B.D., THE MAJOR INDUSTRIAL AREAS OF NEWARK AND BLOCKS WITH LESS THAN FIVE DWELLING UNITS IN RESIDENTIAL AREAS.

SOURCE: REAL PROPERTY SURVEY FOR NEWARK'S DEPT. OF REVENUE AND NEWARK CENTRAL PLANNING BOARD.

Sections of the city in which the housing quality is average or above average have been identified under two conservation categories. These areas comprise the largest part of Newark and are generally furthest from the center of the city. Areas designated as Conservation (major) are most likely to require more careful attention than areas in Conservation (minor) since the former are currently subject to more rapid deterioration. For the most part, however, the principal efforts to conserve such areas would involve voluntary programs of housing maintenance and public-private cooperation in housing code and rooming house enforcement. Lacking a conservation stimulus, these areas would be vulnerable to encroaching blight and would slip, by default into the rehabilitation class. About 200,000 persons or 44 percent of Newark's population reside in these conservation areas. They are generally in the middle and upper income brackets and should be able to afford good to excellent housing. These areas occupy 750 blocks and contain 56,711 housing accommodations or about 46 percent of the city's total.

Intimately related to the renewal potential in clearance and rehabilitation areas is the problem of industry in residential neighborhoods. This problem will be treated more fully in our discussion of the renewal possibilities of specific communities but the overlapping nature of this subject requires some comment here.

Not all of Newark's factories, warehouses, truck terminals, gas and electric facilities and similar buildings are located in well defined industrial districts. Fully half of the city's 7,200



EXISTING AND PROPOSED
HIGHWAYS WITH
NEIGHBORHOOD BOUNDARIES

MAJOR EXISTING
MINOR EXISTING
PROPOSED BY STATE
PROPOSED BY CITY
INTERCHANGE
NEIGHBORHOOD BOUNDARIES

NEW JERSEY STATE HIGHWAY DEPARTMENT,
NEWARK, N.J. - A STUDY OF THE DOWN-
TOWN AREA

URBAN RENEWAL - NEWARK, NEW JERSEY

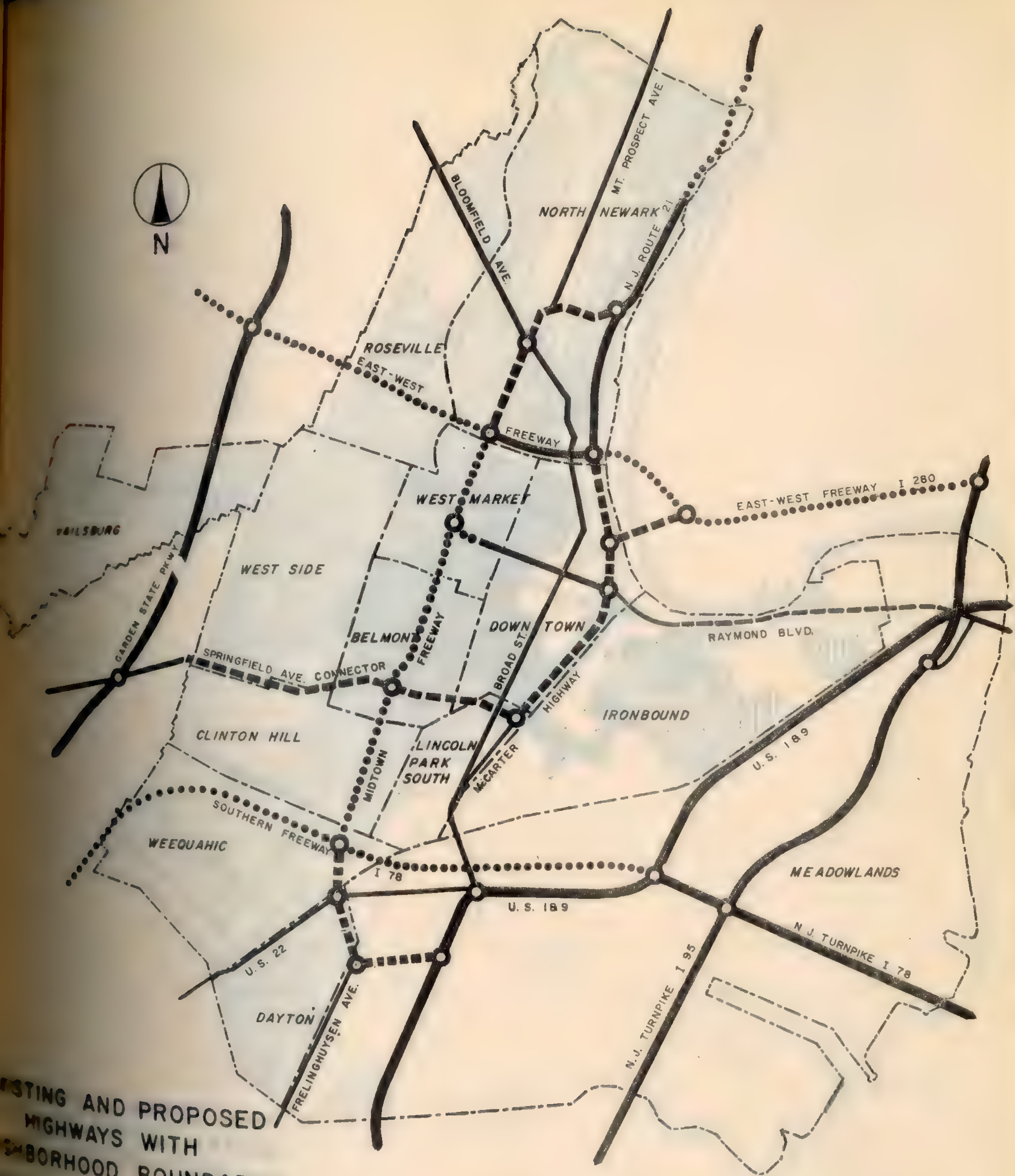
OCTOBER 1959
NEWARK CENTRAL PLANNING BOARD
A DEMONSTRATION GRANT PROJECT



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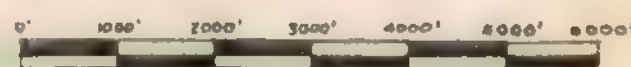
EXISTING AND PROPOSED
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URBAN RENEWAL - NEWARK, NEW JERSEY

OCTOBER 1959
NEWARK CENTRAL PLANNING BOARD
A DEMONSTRATION GRANT PROJECT





URBAN RENEWAL - NEWARK, NEW JERSEY

U.S. DEPARTMENT OF THE ARMY
 ENGINEERING DIVISION
 WASHINGTON, D.C. 20315

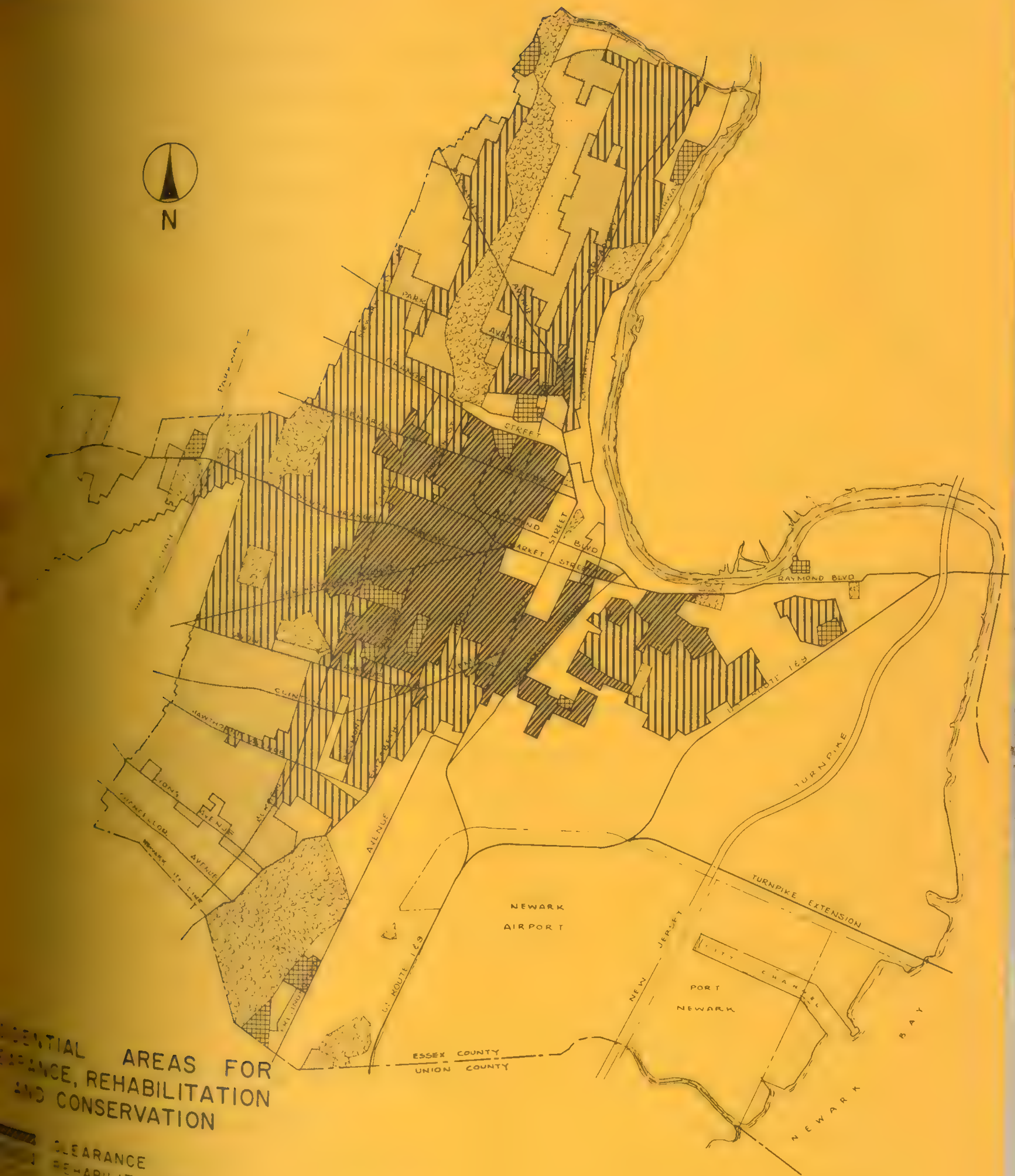
STATE OF NEW JERSEY
 CITY OF NEWARK

BOUNDARIES
 WITH
 PROPOSED
 URBAN RENEWAL AREA

SCALE: 1" = 100'

DATE: 1964

BY: [illegible]



AREAS FOR
CLEARANCE, REHABILITATION
AND CONSERVATION

CLEARANCE
REHABILITATION
CONSERVATION-
MAJOR TREATMENT
CONSERVATION-
MINOR TREATMENT
PUBLIC HOUSING
PARK AND CEMETERY
NON-RESIDENTIAL AND
VACANT AREAS

URBAN RENEWAL - NEWARK, NEW JERSEY

OCTOBER 1959
NEWARK CENTRAL PLANNING BOARD
A DEMONSTRATION GRANT PROJECT



NEWARK CENTRAL PLANNING BOARD

Industrial structures are scattered throughout its residential sections, and, together with residential structures in industrial areas, contribute to the complexity of such problems as the movement of people and goods, noise, densities and structural obsolescence. It is, however, the element of mixed uses, i.e. the factory blocks in housing areas, that concern us most here, and our initial discussion will attempt to determine the physical magnitude of this problem.

From the data developed through the property inventory it is apparent that 450 industrial acres (excluding street area) are located in residential clearance, rehabilitation or conservation areas. These contain almost 3,630 structures such as factories, warehousing, truck terminals, etc., valued at about \$91 million dollars (exclusive of land). Some, but by no means all, of these structures are non-conforming uses defined by the ordinance but whether or not they adhere to the pattern of surrounding uses in the strictly legal sense is much less important than the fact that these incompatible uses almost always present a major obstacle to the possibility of residential replanning and renewal. This, of course, has been recognized earlier and stated clearly in the 1947 Master Plan for Newark.

There are a number of possibilities that might be explored to prevent these mixed industrial-residential blocks or groups of blocks from negating an urban renewal program. These avenues will be investigated in some detail later on but should be briefly mentioned now. For example, an effective non-conforming ordinance might begin with a prohibition against the most inappropriate and

and most damaging kind of uses in residential areas i.e., junk yards, tanneries, welding shops, foundries, etc., and then proceed to the less objectionable industrial establishments. This approach has the advantage of flexibility, i. e., its pace and coverage could be adjusted to the impact that it has on neighborhood upgrading and renewal as the program proceeds. Another approach would consider the feasibility of "buffering" the larger industrial blocks from the surrounding residential areas. While each block must have to be considered on its own merit and specific solutions developed, this kind of program calls for close City-private industry cooperation involving the assembling of some land at the industrial-residential peripheries and the landscaping or similar treatment of these "strips". The objective, of course, is to isolate the damaging effects of industrial use and activity on residential development especially in the context of a long range effort to upgrade future housing and communities. A more thorough going solution would consider the possibility of relocating the larger plants and warehouses from their present locations to the major industrial districts of Newark. This would also require the closest cooperation between industry and the city at all program levels including an evaluation of economic desirability and feasibility, a cost analysis, an agreement on sharing of costs, etc. If attainable, this solution has the enormous advantage of clearing industries from residential areas, removing a major obstacle to effective residential renewal and providing an environment for plants and factories much more in keeping with their industrial needs.

Perhaps no simple solution to the problem of mixed uses as

they affect residential growth is possible. It may be that a combination of all three approaches suggested here or others that might be appropriate should be considered. In any event the problem calls for clear and realistic thought and action if a basic obstacle to residential renewal is to be removed.

The Renewal Character of Newark's Communities

To this point, areas of renewal treatment have been considered without relating them to existing neighborhoods or communities. However, a ten-year program that proposes to improve and upgrade the quality of Newark's neighborhoods and housing stock can best be understood within the framework of these communities. In the first place, the program of renewal itself assumes real meaning to the citizens (both in and out of organizations) when developed within existing neighborhood contexts. In a real sense, it is the people of Newark, their understanding and efforts, as well as their devotion to the objectives of better communities, that will determine the success of such a program. Secondly, it is apparent that a consciously directed upgrading of neighborhood amenities involves a plan and a program that will deal with many other features in addition to housing quality. These include such factors as recreation, public improvements (schools, hospitals, libraries and other public buildings) traffic considerations and other less tangible but perhaps equally important elements such as neighborhood organization and identification. All of these parts of a renewal program become meaningful both at the governmental and individual citizen levels only in the framework of community

groupings.

In the First Interim Report, a preliminary identification and analysis of 13 neighborhoods (plus subgroupings) was made.⁷ These areas covered the entire city. They were delineated on the basis of earlier studies and also with regard to community lines as defined by city-wide neighborhood associations. By identifying clearance, rehabilitation and conservation blocks in these 13 communities, it is possible to assess the degree of housing blight in each neighborhood, and to develop a renewal framework in keeping with the needs and condition of each.

Downtown, West Market, and Belmont

Table 4 indicates that the Downtown, West Market and Belmont communities of Newark covering the central portion of the city are areas requiring almost exclusive demolition of structures. (Good structures, if they do not obstruct future plans for this area, should be left standing). In the Downtown community only 11 out of 100 residential blocks could be considered for rehabilitation treatment but none for conservation. Although this community includes the central business district with major stores, office buildings, hotels and cultural institutions, it nevertheless has about 5,200 dwelling units, most of which are among the worst in the city. Fully 85 percent of these should be demolished as part of the projected ten-year renewal program.

Adjacent and to the west and north of the Downtown community is West Market, a community of about 400 acres. This neighborhood with its large Negro population is divided by many major streets and is heavily mixed in terms of residential, commercial and industrial.

⁷See map of Highways and Neighborhood Boundaries opposite page 38.

additional land uses. Like Downtown, it is a predominantly blighted area and 84 of its 105 residential blocks should be considered for ultimate clearance. The two blocks with 613 accommodations in the Conservation category are public housing projects.

Belmont is directly to the south of West Market and is the most densely built up section of the city in addition to containing some of its worst slums. In this area, the city has concentrated its major redevelopment effort and there are currently two existing public housing projects, one under construction and one planned. These appear as conservation blocks and dwelling units in Table 4. However, 73 percent of all blocks in Belmont contain residential structures that should be demolished in the next 10 years. These structures have over 8000 dwelling units compared with 2650 in 16 blocks where less drastic action, i.e., rehabilitation, is necessary.

Harbortown, Lincoln Park South and West Side

The next three communities considered lie roughly between the central core of the poorest housing of Newark and the outer sections of the better housing areas. These neighborhoods can be best characterized as suitable for rehabilitation, i.e., where the emphasis for the next ten years should be most heavily on all techniques that will improve and upgrade housing and neighborhood amenities rather than on clearance. It is, however, apparent that rehabilitation of existing structures in these neighborhoods should be supplemented by some demolition and rebuilding of the most dilapidated buildings and the conservation and better maintenance of the considerably superior ones.

For example, The Ironbound section of Newark with 131 blocks has 76 blocks that can be improved by rehabilitation procedures. These blocks contain a total of 6,144 dwelling units. On the other hand, 33 blocks with 2,191 accommodations have received a "score" indicating that clearance is most appropriate. At the other end of the quality scale, 22 blocks have structures that are good enough to require merely maintenance and code enforcement to preserve their usefulness over the next ten years. This kind of differential treatment will take place in a community with a lower middle-income population of diverse ethnic backgrounds and countries of origin. It will be complicated because of an extremely mixed industrial-residential land use pattern. Historically, these factors have not produced a precipitous or large scale decline in property values or appearance; the Ironbound has been surprisingly stable and relatively well-maintained area. It is, of course, difficult to assess whether this stability will continue through the next decade.

Much more homogenous in terms of "treatment" possibilities, Lincoln Park South is located almost directly south of Downtown and has commercial uses that front on major streets as well as industrial establishments in its southern portion. This community has experienced a very sharp Negro and Puerto Rican in-migration in the last ten years, while its white population has dropped from about 10,500 in 1950 to an estimated 2,500 in 1958. Nevertheless, its housing is still essentially salvagable, i.e., 31 of 45 residential blocks are appropriate for rehabilitation while 13 would require clearance. It should be noted, however, that practically

TABLE 4

CLEARANCE, REHABILITATION OR CONSERVATION CHARACTER
OF NEWARK'S RESIDENTIAL COMMUNITIES, 1957

NEIGHBORHOOD	CLEARANCE		REHABILITATION		CONSERVATION MAJOR TREATMENT		CONSERVATION MINOR TREATMENT	
	BLOCKS	DWELLING UNITS	BLOCKS	DWELLING UNITS	BLOCKS	DWELLING UNITS	BLOCKS	DWELLING UNITS
ARTS	89	4,420	11	776	0	0	0	0
MARSH	84	5,516	18	1,091	1	88	2*	613*
CLINT	81	8,333	25	2,650	2*	604*	3*	1758*
BRIDGE	33	2,191	76	6,144	19	1,223	3	651
PARK	13	1,037	31	2,206	1	21	0	0
WIDE	40	3,550	85	8,175	47	4,514	2	147
NEWARK	24	1,697	60	5,586	93	6,797	50	3,574
HILL	7	772	46	5,583	71	6,268	2	138
WILE	23	906	48	3,569	60	5,504	32	2,203
WIC	0	0	24	1,659	103	7,002	78	3,985
WING	1	25	6	349	41	2,517	140	9,024
	0	0	0	0	4	146	7	730

EXCLUDES BLOCKS AND DWELLING UNITS IN PUBLIC HOUSING PROJECTS. ALSO SEE
TABLE 3.

SOURCE: REAL PROPERTY APPRAISAL FOR THE DEPARTMENT OF REVENUE, CITY
OF NEWARK AND NEWARK CENTRAL PLANNING BOARD.

no block in Lincoln Park South would qualify for conservation treatment.

A large community with a population of almost 65,800, West Side has also been undergoing considerable white - non-white population changes in the last decade. Its housing is among the most diverse in the city and Table 4 indicates that while rehabilitation should predominate with 85 blocks and 8,175 dwelling units in that category, there are also 40 blocks with housing judged sufficiently substandard to be demolished and 49 blocks where preventative maintenance or conservation would be appropriate. West Side nevertheless presents a densely populated and generally deteriorated appearance to the observer.

North Newark, Roseville, Clinton Hill, Vailsburg and Weequahic

The remaining five communities are predominantly of a conservation character, i.e., most housing is of standard or above-standard quality and require adequate upkeep, maintenance, service and repair to prevent deterioration. However, North Newark, Roseville and Clinton Hill possess more incipient elements of decline than the other two communities and are likely to be affected earlier by this process.

North Newark, for example, is a large community of about 1,780 acres stretching from the Lackawanna Railroad to the northern edge of the city and from the western boundary of Branch Brook Park to the Passaic River. It has three rather distinct residential neighborhoods, Forest Hill, Woodside and Branch Brook and its housing "character" is equally diverse. Thus, in the entire North

Newark community of 227 blocks, 143 can be considered appropriate for conservation treatment. Most of these, however, are in the "major" class, indicating a need for more immediate consideration while 60 blocks with 5586 dwelling units will need a program of rehabilitation in the next ten years and 24 blocks with almost 1,000 dwelling units should be cleared. In line with the latter, the Metropolitan Corporation of America is currently constructing a 1200 unit middle-to high-income housing development in Branch Brook, the southern portion of the entire area.

Both Clinton Hill and Roseville are also predominantly conservation communities although there appears to be a greater uniformity of housing quality in the former than the latter.

(see Table 4). Clinton Hill like many other Newark communities has been experiencing a significant redistribution of population and many of its former Jewish inhabitants have left since 1950. Most of the in-migrants have been Negroes. An important urban renewal project consisting of 14 blocks in Clinton Hill is now in progress. Under the leadership of the Newark Commission for Neighborhood Conservation and Rehabilitation, both city and federal funds are being appropriated to upgrade this area around the concept of structural rehabilitation, code enforcement and improved community facilities rather than wholesale demolition.

So far the best housing in Newark can be found in the Vailsburg and Weequahic neighborhoods. These communities are at the southern and western end of the city and are predominantly conservation in character. All efforts leading to the prevention of housing blight will have to be considered in these areas as

part of the ten-year urban renewal program.

Summary

From the area delineation just described, we may picture the city as a target for renewal action, with a series of concentric treatment rings, (not unsimilar to conditions found in other old cities) starting from its core or Central Business District outward. The core is in need of all types of treatment, clearance, rehabilitation and conservation; the ring surrounding the C. B. D., the old mixed use blighted, deteriorated area, calls for predominant clearance and redevelopment; the next concentric ring outward needs structural rehabilitation with some conservation and the final outer ring where fringe blight will spread if renewal techniques are not employed, requires structural conservation.

The successful ten-year continuous program to improve conditions within these concentric rings will aim for and accomplish the following:

1. The elimination of slums and blight through
 - a. Clearing sub-standard buildings.
 - b. Stopping the spread of blight to good areas.
 - c. Encouraging the repair and rehabilitation of buildings found structurally and economically sound in order to bring them up to code standards.
2. The construction of new, private housing (owner-occupied)
3. The provision of standard rental housing for low-income families; and
4. The improvement of streets, public facilities and related areas and buildings.

As a successful continuing program develops, it will result

in:

1. Better neighborhoods for better living.
2. A revitalized Central Business District and neighborhood shopping areas with ample parking and walking areas for better business.
3. Improved streets and revised street lay-outs for better traffic flow and control; and
4. Better private and public facilities such as schools, churches, parks, museums, etc., for better education and recreation as well as culture and human aspirations.

CHAPTER III - AN URBAN RENEWAL PROGRAM FOR NEWARK'S RESIDENTIAL COMMUNITIES

Having delineated clearance, rehabilitation and conservation areas and related them to Newark's residential neighborhoods (one of the most important steps in the formulation of a comprehensive renewal program), we now turn to that aspect of the program which is designed to successfully accomplish renewal goals implicit in this report. This program includes six major areas of combined government and private action:

1. Public housing
2. Private construction - middle and upper income housing
3. Neighborhood rehabilitation, i.e., housing code enforcement, structural rehabilitation and similar programs
4. Elimination of non-conforming uses
5. Capital Improvements Program
6. Transportation and traffic

The order in which these six major areas of action are discussed in this report should not imply any order of priority or urgency. These action areas must of necessity be carried out simultaneously within the framework of the over-all program and general plan, and towards the degree desirable and possible at any given time.

In the ten-year continuous effort to appreciably raise the quality and level of Newark's residential communities, public and

private action will have to be closely coordinated for maximum effect. The landlord, tenant, builder, lending institution, community organizations, public agencies and various branches of city government will all play vital roles in this development. However, the city itself should not only administer this program on a continuing basis over the next decade, but continue to create conditions favorable to the execution of some of its component parts. This means, for example, increasing the stimulation and encouragement of private housing investment (new construction and rehabilitation) and similar efforts where the city is not the principal participant. The full program is, of course, city-wide in scope and intent but our discussion will focus whenever possible on the needs of each neighborhood, especially as the needs dictate either clearance, rehabilitation, or conservation treatment.

Public Housing

If the present federal aid program continues, low rent public housing will undoubtedly play an important role in eliminating some of Newark's slum areas and refashioning the nature of these depressed communities. The magnitude of the renewal task calls for a continuation of the construction of federally aided low rent housing at the highest level consistent with the financial ability of the city to build and grant tax exemptions. Nevertheless, how does this measure up to the actual present need? Assuming approximately 25,000 substandard dwelling units in Newark today, it is highly unlikely (and not at all desirable) that their elimination and subsequent rebuilding can be met wholly by the federal low rent housing

program during the next decade. Actually, not more than 5,000 apartments in public housing developments were constructed between 1947 and 1957, so that a five-fold increase in this building rate would be necessary in order that public housing accomplish total slum clearance. This is clearly unrealistic and not at all likely to happen. However, the city should continue to make determined efforts to insure that Newark receives the necessary federal aid for this purpose. An increase of 50 percent over the post war rate of low rent public housing construction would insure the erection of about 7,500 dwelling units of this type by 1970. This would go approximately 30 percent of the way towards total slum clearance in Newark, the remainder to be accounted for by private construction and public demolition for non-housing purposes such as highways, schools and other programs.

Public housing in the next ten years should be concentrated in the inner concentric rings of the city where the need for slum clearance and redevelopment is greatest. Its sharpest impact is therefore likely to be felt in parts of the Downtown, Belmont, and West Market communities. Properly conceived, private housing investment must also be encouraged in these areas so that a "ghettoization" by income and race that may result from exclusive public housing development does not occur. During the past few years, private developers have shown considerable interest in these inner lying areas and it is not unlikely that middle and higher income

⁸See footnote on following page

housing will be attracted to the ring surrounding the C.B.D. If this kind of low, moderate and high rent admixture is achieved, a more stable and healthy community is likely to result.

Actually, while low rent public housing will play an important role in redeveloping the inlying residential neighborhoods, it should not be relegated exclusively to these areas. A number of communities in Newark can be most appropriately upgraded by a combination of public and private actions centering around rehabilitation. Yet there are some individual structures and blocks in these rehabilitation areas that are too dilapidated for this kind of treatment and, therefore, will have to be demolished. The judicious use of clearance for low rent public housing on a "spot" basis, can be combined with larger rehabilitation areas to effect a basic improvement in the quality of the community. To the extent that public housing is used in this manner, it can and should be erected in other than the core areas of Newark.

It is, of course, fairly obvious that public housing alone will not accomplish all the necessary and desirable renewal goals in Newark's "core" communities. Because of the similarities in housing type and conditions, population trends and characteristics lack of open space and pattern of vehicular traffic that traverse

Some major, recent examples are:

- Jack Parker Associates - South of C.B.D., 306 acres, approximately 15,000 dwelling units plus parking facilities, commercial and office structures.
- Lehman Brothers - Adjacent to above and also south of C.B.D., 8 acres, 500 dwelling units.
- Newark Plaza Development Corp. - Eastern part of C.B.D., 27 acres, 2,000 dwelling units, university expansion and office buildings.

these communities, Downtown, Belmont and West Market could be considered as a logical "unit" of planning. Over the next ten years, these three communities will face many problems in common relating to their renewal possibility and, by the same token, to their relationship with a contiguous and revitalized Central Business District. Within this frame of reference, the concept of a General Neighborhood Renewal Plan could be applied here. Such a plan treats a large area in its entirety rather than in sections; in terms of the three "central" Newark communities, sound planning calls for such a unified approach. For example, almost complete coverage of residential land and lack of open space is a characteristic common to all three neighborhoods. Strangely enough, the value of free or open space seems to have been recognized in the Central Business District but not in the residential neighborhoods surrounding it, and much more open land can be found in the former than in the latter areas.

The rebuilding of Downtown, Belmont and West Market by public and private housing construction will undoubtedly increase both the number of people and dwelling units in these communities and densities are bound to be higher after renewal than before. (This assumes that construction will be predominantly of the multi-family type and most in high rise apartment buildings.) However, by no means should this be a significant factor. On the contrary, desirable residential environment has been achieved very frequently in Newark and elsewhere, by grouping buildings according to carefully worked out plans with due regard to provisions of light and air, recreation

and open space facilities, landscaping, and the exclusion of traffic from the development. It is the proportion of "open" land to total land that is most important, and it will be necessary to regulate more strictly the two major components that govern this condition, i.e., lot coverage of residential buildings and provisions for parks and playground areas. There can be no doubt that the three central communities suffer from an absolute lack of space, and the opening up of these areas should be a matter of high priority in their renewal planning.

It will probably be a relatively simple task to obtain low lot coverages in new public and private high-rise housing in these areas. The average building coverage of recent public housing projects is about 17 percent of site area and private housing construction in the next decade will probably not exceed a 20 percent average. This should be compared with an average residential coverage of about 90 percent that now exists in Downtown, Belmont, and West Market. However, provisions for parks and playgrounds to serve the recreational needs of these communities will have to be carefully planned and provided for, since such facilities (outside of school playgrounds) practically do not exist in this area, which covers about 1,180 acres (excluding the C.B.D.) with a population of approximately 100,000. This aspect of renewal in the core areas requires close coordination between the general goals and priorities and the city's Capital Improvements Program scheduled for the next six years.

Other major factors in the renewal effort of these communities is the impact of vehicular traffic and presently proposed highway construction. Situated adjacent to the C.B.D., these communities not only receive the brunt of vehicles bound for downtown shopping but are athwart the streets that lead to the industrial Ironbound area and some of the principal approaches to trans-Hudson crossings. It is estimated that 109,000 vehicles pass through the C.B.D. each day not counting those with origins and destinations there. Much of this excessively heavy traffic impinges on the surrounding residential communities and is a major blighting influence on these neighborhoods. Plans to separate passenger traffic from truck traffic, re-route major streets, and prevent the heaviest vehicles from passing through the area will have to be developed in conjunction with the transportation proposals outlined for the C.B.D. in a recent downtown study for the city of Newark. Furthermore, a "Midtown Connector" that will cut through West Market and Belmont has been proposed as the north-south segment of a loop system to provide easier vehicular access north and south as well as to and from the C.B.D. This highway improvement is expected to reduce the amount of local street traffic that now passes through these communities and will definitely contribute to the effective renewal treatment for Downtown, Belmont and West Market. A fuller discussion of existing traffic and recent highway proposals in relation to neighborhood renewal problems and possibilities is presented in a later section of this report.

⁹Newark, New Jersey - A Study of the Downtown Area, Oskar Stonorov and Victor Gruen

Private Construction - Middle And Upper Income Housing

Newark is overwhelmingly a city of renters and only 23 percent of all its dwelling units were owner occupied in 1950. Moreover, private post war construction produced approximately the same proportion of owner-occupied units as were represented in the total housing stock of 1950. Even more significant, the apartment house, with more than ten dwelling units, accounted for almost 75 percent of all new private construction from 1947 through the middle of 1950. (See Appendix Table IV.) It is very likely, therefore, that new construction will take the form predominantly of multi-story, rental housing in Newark for the next ten years.

Since private building (with or without public assistance) will be such an essential factor in the success of a ten-year renewal program, it is necessary to briefly evaluate the prospective middle income housing market. From recent experience and new housing trends already visible, there can be no doubt that developers will be constructing new accommodations for this segment of our population, but much more particularly for the upper income portion of this group due to the cost levels of land, labor, materials and financing. The middle income housing market has, of course, been variously defined, and there is no "standard" definition that will fit all needs and circumstances. Moreover, over a ten-year period it is logical to expect that the entire market itself will shift upward under the pressure of rising costs and incomes. Therefore, within the context of Newark's family income distribution and with the realities of the housing market in mind,

it is assumed that a family income of \$5,000 to \$8,000 could be considered "middle", while a family income between \$8,000 and \$11,000 can be characterized as "upper middle". Assuming that 20 percent of income could be allocated for rent or shelter, the middle group is composed of families and individuals who can afford rentals or their equivalent ranging from about \$85 to \$130 per month. (Varying the rental-to-income ratio upward or downward would of course, alter the upper and lower limits.)

It is not at all easy to estimate the number of such families in Newark today. Appendix Table II indicates that about 36 percent of all Newark households had incomes between \$4,000 and \$6,000 per year, while 14.6 percent earned between \$6,000 and \$10,000. On the basis of a very approximate estimate, it is assumed that 25 percent of all families (including single person families) are in the \$5,000 to \$8,000 category and can afford monthly housing payments of \$85 to \$130. If there are 125,000 families and individuals owning homes or renting apartments in Newark today, about 30,000 can afford housing expenditures of a middle income nature. The number of families actively looking for middle income housing at any given time is, of course, much smaller and would probably include a certain number of non-Newark families and individuals.

However, it is obvious that private builders, even with the advantage of Title I land write-downs, are building and will continue to build for the upper segment of this rental market and higher. The Metropolitan Corporation of America now in the process of erecting a 1,240 unit rental development north of the downtown area along the Lackawanna Railroad has set its rent schedule at approximately

\$20-25 per room, per month. Furthermore, it is unlikely that other developers will be able to lower this rate under present and near future market conditions. With these circumstances in mind, a major part of Newark's ten-year urban renewal effort must be directed towards stimulating and encouraging the investment of private capital into housing that could rent closer to the \$80 or \$100 per month segment of the middle income scale rather than the \$130 end of it.

To achieve this objective, it will be necessary to consider a number of actions on the national, state and local level that can accomplish the following:

1. Vigorously and intelligently make use of the maximum Title I write-down allocations for Newark in order to clear slums and encourage new housing construction.
2. Examine existing State laws designed to encourage middle income housing investment¹⁰ and determine why they have not functioned in Newark. Suggest and press for changes that will allow for a flow of capital into housing construction, including more flexible tax exemption provisions.
3. Support low interest, long term state financing for middle income housing developments.
4. Explore the possibilities of city construction of middle income housing for purchase and operation by private sources on a full cost basis after completion.

Redevelopment Companies Law - 1944
Urban Redevelopment Law - 1946
United Dividend Housing Corporations Law - 1949

5. Stimulate freer mortgage money for new private construction in slum areas especially in connection with existing F.H.A. mortgage commitment programs in these areas.

Each of these programs is directed toward the achievement of rentals commensurate with the ability of most middle income families in Newark to pay. It is not the purpose of this report to spell out in detail the relative "weight" that each of these actions might have in bringing rentals into the broader stream of modern income needs. Such differences exist, of course, and some preliminary studies have been made along this line. These suggested courses of action are not mutually exclusive. The builder who can take advantage of a number of these incentives (e.g. Title I write-downs; low interest, long term financing; partial tax exemption, etc.) will certainly come on the market with lower rentals than those who can incorporate none or only one provision. Basically, therefore, Newark must be able to exploit programs and techniques that will stimulate private middle income housing construction, since this must be the cornerstone of its ten-year program of urban renewal.

Apartments for moderate and upper income families are likely to be built in or near the center of the city and to some extent near its outer boundaries. Private investors are currently showing an interest in the core areas for a variety of reasons, and, as has been mentioned earlier, a high rent housing development is now under construction immediately north and a short distance from Newark's C.B.D., and a number of other significant plans are in motion

that will substantially renew the central part of the city. This is not a unique Newark experience since a number of cities are beginning to witness a kind of renaissance at their cores that may very well continue into the next decade and beyond. In Newark, the attraction of a central location to middle and high income developers stems from the fact that it contains the element of variety supplied by major retail shops, theaters, accessibility to schools and other cultural institutions as well as a unique physical proximity to downtown Manhattan. These are the factors that are likely to interest single persons, and families without children or with older children. If we can rely on trends in other cities as a guide, the downtown, Belmont and West Market communities may expect this kind of new, centrally oriented middle or high income housing in the next ten years. From the broader urban renewal point of view, this close-in location should be strongly encouraged because it will markedly reduce the slum inventory, strengthen the economic vitality of the C.B.D. and provide acutely needed new dwelling accommodations in Newark.

Not all multi-family units, however, are expected to be built in or near the central part of the city, and it is likely that some will continue to be erected much farther out. Actually, almost all private multi-family construction during the post war years has taken place near the periphery and there can be little doubt that much of this will continue. Whether builders favor the center or outer areas such as Weequahic, Vailsburg or the Branch Brook areas of North Newark, the position of the city should be one of encouragement, initiative, and even experimentation to stimulate private housing investment.

Neighborhood Rehabilitation

In addition to public and private construction, a comprehensive program of neighborhood rehabilitation, particularly in the designated conservation and rehabilitation areas, must become an enlarged integral part of Newark's program for urban renewal. The elements of this facet of neighborhood upgrading include housing and zoning, code enforcement, structural rehabilitation, capital programming for public improvements and traffic treatment. While the last two factors will be separately developed later on, they belong within the concept of neighborhood renewal development. All four parts of this program have been, to a lesser or greater degree, taking place in Newark in the past. Our discussion here will focus them specifically toward long-range urban renewal goals and will suggest changes that contribute most to their attainment.

Citizen education and participation are vitally necessary for the success of neighborhood redevelopment particularly in the phase that covers housing code enforcement and structural improvements. Landlords, tenants and community oriented groups should be made aware of the long and short range objectives of neighborhood renewal, the individual and collective benefits that will accrue and the specific kinds of actions that they should voluntarily undertake to carry this program forward. While renewal on a community basis could proceed with the city as the sole public sponsor and initiator, it gains enormously in breadth and impetus with city-federal partnership. Over the next ten years the city of Newark should make every effort to assume contractual relationships with the Federal Urban Renewal Administration for renewal programs in

neighborhoods that are predominantly rehabilitation and conservation in character.

A. Housing Code and Related Ordinances - Their Use in Neighborhood Renewal

Newark, like most cities in the United States, has several codes that regulate housing even though the commonly accepted use of the term "housing code" implies a single ordinance for the entire field. Almost inevitably there exists a considerable overlap and all housing is governed to some extent by provisions in the Building, Fire, Plumbing, Electrical and Housing Codes as well as by the zoning and rooming house ordinances (the latter is now under consideration by the Municipal Council). Despite the weakness in such a system, it is not only possible for Newark to live with this complication but to adopt these regulations as an effective bulwark against slum encroachment and for neighborhood renewal. The strong features of Newark's ordinances lie in the fact that recent amendments to the city's health, sanitation and plumbing codes have considerably improved and tightened their provisions relating to overcrowding, central heating, room sizes and toilet facilities. An ordinance to provide for the repair, closing or demolition of buildings unfit for habitation was adopted by the Municipal Council in 1956. In addition, an ordinance requiring the licensing, inspection and record keeping for rooming houses is now before the Municipal Council for consideration. These and other features of the proposed ordinance aim to regulate existing rooming houses and establish standards for any new rooming house uses.

While the structure and coverage of the city's ordinances relating to existing housing is adequate for the suggested renewal program, a recent analysis of their operation has been made by the Bureau of Municipal Research and the subcommittee on code enforcement of the Newark Commission For Neighborhood Conservation And Rehabilitation. Three major areas of enforcement improvements emerged:

1. As the program now operates no one is fined for violation of the codes but only for failure to abate violations once they are uncovered by complaint or referral. There is, therefore, no incentive to cease violations which may never be found. Clearly, some legal, economic or "self-interest" deterrent must be found to eliminate undiscovered housing and health violations which probably constitute the majority of the housing deficiencies.

2. The coordination among housing inspectors assigned to the enforcement of various codes is weak, and the system of "referrals" does not operate efficiently. (Referrals are simply notifications by one inspector to the proper authorities that violations not under his jurisdiction are apparently taking place.) In the first place it is questionable whether various city units understand the system and importance of referrals. Secondly, the question as to what should be referred to other units is often a purely subjective one on the part of the individual inspector. Finally, there is a lack of control over the entire referral system and records on the disposition of referrals are inadequately kept.

3. Although the Zoning Ordinance is a major tool for neighborhood stability and conservation, it is inefficiently enforced.

as existing housing is concerned. This is due to the fact that building inspectors who enforce the code are geared to enforcement and compliance procedures for new rather than existing housing. It should be re-stated that these inadequacies, while important, represent gaps in the administration and coordination of housing and related codes rather than in substance and coverage. Even if their use for renewal objectives were not at issue, a strengthening in these areas would certainly be consistent with good municipal house-keeping. Successful neighborhood conservation and rehabilitation will require the most effective enforcement procedures that are possible and it is, fortunately, apparent that these deficiencies do not pose insurmountable problems.

Actually the city has recognized the important role of housing code enforcement in the halting and rolling back of blighted housing conditions and has instituted a number of programs towards that end. In addition to the general enforcement coverage provided by the complaint and referral system, the Slum Clearance Division of the Department of Health and Welfare started a block by block inspection program in the slum areas as defined in the Master Plan of 1947. This program, initiated in 1950, has resulted in the house-to-house inspection (from cellar to attic) of all structures in 350 blocks in the slum belt and 72 blighted blocks outside this belt or area. By the end of 1957, 14,349 structures with 36,893 dwelling units were inspected. About 100,000 violations were found, most of which were terminated without court action but 4,347 cases were entered for prosecution.

While this program in the city's slum areas is continuing, the premise that the worst blocks should receive priority must be examined. This is particularly so in view of the fact that demolition and clearance will probably be concentrated in the areas of poorest housing, while all efforts should be made to conserve, rehabilitate and improve the more standard ones. It also may be more important to give priority to neighborhoods that are rapidly deteriorating rather than those that are poor in quality but relatively stable. The entire problem of urban renewal priorities will be examined in considerable detail in the final report of this Demonstration Project but it is important to point out here that the emphasis of the code inspection program should begin to shift away from the Downtown, Belmont and South Market communities (almost entirely clearance in character) and begin to concentrate on the rehabilitation and conservation areas - North Newark, Roseville, Clinton Hill, Ironbound, etc. The area analyses and block designations of housing quality developed in this report should serve as a guide for such a shift in emphasis.

It is obvious that serious health and safety hazards will remain in the slum sections of Newark as long as sub-standard structures are occupied. For this reason housing and related code enforcement should by no means be entirely abandoned there. However, new and vigorous attention should be paid to the possibility of checking further deterioration in non-slum areas along the lines of the Inspection Bureau's Fringe Areas Program. This program began in August 1955 with the purpose of protecting areas outside the slum belt from further housing declines. Unlike the block by block

program, only the exterior of the structure was inspected and those in need of repair or painting were noted. Thus, in 1956, the first year of the program, 26,221 inspections were made in the fringe areas and enforcement action was taken against 599 owners of residential buildings. While the emphasis of this program is a realistic one, it loses some of its impact because only exterior inspections are made and many types of violations, such as overcrowding, cannot be uncovered and corrected.

As pointed out earlier, rooming houses in Newark are widely scattered throughout the city; and because they have a tendency to deteriorate more rapidly than other accommodations, they play an important part in the problem of blight and overcrowding. From the enforcement point of view, the rooming house ordinance pending before the Municipal Council can substantially strengthen and control compliance in this area. For example, no rooming house will be licensed to operate unless it is inspected for all code violations, including, of course, the much stricter new rooming house ordinance itself and also deemed not contrary to any plan of renewal approved by the Planning Board. The mandatory licensing provisions is also expected to bring many currently non-registered rooming houses to the attention of the city and, therefore, help establish a wider system of control and improved rooming house facilities.

B. Structural Improvement

Along with the wide use of code and rooming house enforcement procedures, it has become evident that a more thorough kind of

structural "redoing" will be necessary for accomplishing neighborhood renewal goals. This includes such kinds of structural rehabilitation as, exterior roofing and siding repairs, installation of central heating system, major electrical and plumbing renovation, improvement of interior room space and arrangements, repairs to stairs and landings, etc. The history and urban experience of American cities suggests that these improvements have been motivated by a desire to protect housing structures as an economic investment (i.e., keep them or make them more profitable) and by a pride in ownership centering around either the structure, block or neighborhood. Up until quite recently, landlords and one-family home owners made their decision in this area almost entirely without the intervention of any public body, and it is only in the past few years that this kind of action has entered the realm of public concern. The possibilities and procedural techniques that will make large scale structural renovations part of a neighborhood renewal program are practically non-existent at this time.

While the practice, methodology and goals of code enforcement are well established in Newark today, structural rehabilitation in the renewal concept is a new area for the private citizen, mortgage investor, and governmental agencies. Yet the city of Newark will have to seriously consider the latter as an important adjunct to its ten-year program of renewal. Like code enforcement, which will complement and reinforce, structural improvement should be particularly appropriate in the rehabilitation and conservation areas that show signs of deteriorating in the next decade. Such

a program, whether city-wide or restricted to individual communities, would involve the following main elements:

1. A determination of the principal types of structural improvements that are most necessary in Newark's residential areas today and an evaluation of the architectural feasibility of such improvements. This will be initiated in the forthcoming Final Report of the Demonstration Grant Project.
2. An appraisal of the income position of landlords and homeowners, rent levels and changes in rents, financial operating experience and similar economic factors that will have to be satisfied before voluntary acceptance of this program is possible.
3. As in a stepped-up effort of housing code enforcement, a wide educational campaign will be necessary to acquaint landlords and tenants with the objectives of such a program and spell out in considerable detail the mechanics of arranging for home improvement loans.
4. The support and cooperation of banks, insurance companies and other mortgage investors will be necessary if home repair loans are to be financed in rehabilitation and conservation areas. Past reluctance to make these kinds of investments should be examined by both the city and the lending institution and ways of stimulating this kind of money flow would be essential. In this respect, the role of the F.H.A. in insuring home improvement loans should be evaluated and efforts made to take advantage of their aids.

A recent ordinance adopted by the Municipal Council provides for the repair, closing or demolition of structures unfit for habitation and empowers the Director of Health to enforce such im-

provement if the owner fails to make the necessary changes. This, however, refers only to buildings that are so dilapidated that they cannot be used for family occupancy. The Newark Housing Authority can also acquire structurally deteriorated properties under the general provisions of eminent domain and provide for their physical renovation.

While a structural rehabilitation program for Newark should be developed around the widest possible voluntary cooperation and participation, the extension of these mandatory features should also be considered. For example, the Federal Urban Renewal Administration and a few individual cities are now exploring the possibilities of city purchase, renovation and resale of housing structures. This procedure might involve direct city acquisition of structurally deficient buildings either through purchase or condemnation, city renovation and resale; or it might take the form of city acquisition and resale with the proviso that the new owner adhere to an agreed-upon schedule of physical improvements. In either situation, the difference between what the city paid for the structures and the sales price (assuming a loss) might be shared on a one-third to two-thirds basis, in much the same manner as current Title I land write-downs. These features of structural renovation as part of a long-range urban renewal effort are, of course, in the exploratory stage both at the national and local level, but the city of Newark should seriously evaluate them as important residential renewal possibilities.

Capital Programing and Neighborhood Renewal

Newark, at present, does not have a long-range capital improvements program but a sustained effort to initiate and formulate one is coming to a successful end. The goal has been to establish the continuing responsibility and procedure for the preparation and maintenance of an annual six-year capital improvements program, to relate expenditures for capital purposes with further plans for public improvements and to keep these expenditures within the city's long term capacity to finance them. Recognition of all the continuing capital needs of the city, including its renewal requirements, is hastening the formulation of the capital program and its introduction as a permanent feature of Newark's municipal life.

Once established, the capital program will add considerable practical prospective to the long-term urban renewal needs of the city even though it will be drawn up on a six-year basis rather than for ten years. In the first place, it will be possible to see clearly, perhaps for the first time, the total physical and financial "size" of urban renewal in Newark both in relation to all other capital requirements and in relation to the ability of the city to sustain the ten year renewal effort. Secondly, and just as important, it will establish a priority of capital improvement projects which, if intelligently conceived, would immeasurably strengthen the renewal efforts themselves. Proper timing of capital projects is one of the strongest elements in the replanning and upgrading of neighborhoods in Newark, and this will become possible under the proposed improvement program.

At this point of our analysis, we will not consider specific projects and actions that might constitute the "renewal" portion of a six-year improvement program. This will be assessed, however, in the Final Report where both a financial evaluation and an order of renewal priorities will be set forth. It might, however, be sufficient to indicate that renewal items in the capital program are likely to be extraordinarily varied and include the following: acquisition for public housing, Title I housing, recreation areas, parks, etc.; school construction and modernization; street closing; construction of hospitals, libraries and other public buildings; acquisition of land and construction of improved streets and highways within the city.

Non-Conforming Uses

In Chapter V of this report, our legal consultant has presented a comprehensive discussion of the legal and constitutional framework affecting non-conforming uses in Newark. That section of the report has also thoroughly explored the nature of the solutions that might be applied to the problem of incompatible uses in the light of existing regulations in other cities and has evaluated the effectiveness of such proposed solutions.

Only one point need be made here. We normally think of a non-conforming use as a rather isolated structure which is demonstrably offensive to the character of the area in which it is located. However, is not quite the case in Newark. In an earlier discussion dealing with the degree of mixed residential-industrial uses, ¹¹

was indicated that many more factories and warehouses are located in
residential areas than in any single industrial district of Newark.
As a matter of fact, residential areas contain one-half of all in-
dustrial buildings in the entire city and 41 percent of their total
value. While not all of these uses are non-conforming in the legal
(zoning) sense, they point up the dimensions of a problem that is
not only partly non-conforming in nature, i.e., the basic incompatibility
of many land uses in Newark. It is probably not unrealistic to say
that the solution to non-conforming uses will have to ultimately
depend on a new land use grouping for the entire city.

However, a more limited approach would be extremely useful in
connection with developing a ten-year residential neighborhood
renewal program. An effective non-conforming use regulation that
would either discourage, minimize or eliminate these structures and
control the process whereby variances create new ones, should con-
centrate initially on the most flagrant and obvious non-conforming
uses and on the ones whose existence will make residential renewal
very difficult or impossible. These include foundries, auto repair
shops, welding shops, junk yards and similar establishments in
residential areas. If successful in containing these uses, the
regulation could then be applied against other less incompatible
functions. Developed in this manner, it could provide a very effect-
ive and useful "holding" action till a more comprehensive land use
program gets under way.

Traffic and Transportation

In an earlier section of this report dealing with the "downtown or central residential communities, the impact of vehicular traffic patterns on their renewal possibilities was briefly discussed. While the neighborhoods of Downtown, Belmont, West Market and the Ironbound suffer most directly from heavy, mixed traffic on their local streets, none of the other communities in Newark are immune to this deteriorating factor. Because of the special nature and intensity of Newark's transportation problem, their solutions in the next decade will go a long way towards determining the effectiveness of neighborhood renewal.

There are two aspects of the transportation impact that should be examined separately even though they are obviously related. The first is the volume, nature and consequences of vehicular traffic on residential neighborhoods and the second is the effect of proposed major highways and expressways on the form, character and even continued existence of the communities themselves.

According to the recently completed Central Business District Study, 484,000 persons entered the "Central Study Area" on an average week day in 1959 and over 90 percent of them arrived by car or bus. Moreover, about 424,000 vehicles crossed the boundaries of the Study Area, of which 109,000 were through trips with neither origins nor destinations inside the Area. A large number of these through trips consisted of east-west vehicular traffic that currently cuts across most of Newark's residential communities. As a matter of fact, the lack of a Loop System to facilitate terminal and through traffic to Newark's C.B.D. inevitably means that a

great many buses, passenger cars and trucks are choking residential streets and neighborhoods which were never designed for vehicular mass and movement in the first place. Noise, fumes, hazardous street crossings and accidents contribute to neighborhood obsolescence and deterioration making ultimate renewal a much more difficult process.

Currently under consideration and negotiation between the City, the State and the Federal Bureau of Public Roads is a circumferential Loop System whose main purpose is to provide for easier access to Newark's downtown and for a freer flow of through traffic, i.e. for vehicles with destinations beyond the C.B.D. This plan, whose essential features has been incorporated and further developed in the C.B.D. proposals, was conceived to coordinate with regional highway facilities. It includes a northern section formed by the East-West Freeway, on the east by an improved McCarter Highway, on the south by a section of the Springfield Avenue Connector and/or the Southern Freeway and on the west by the Midtown Distributor (see Proposed and Existing Highway Map opposite page 38).

The evaluation of such a Loop System must be made in relation to the extraordinary volume of vehicular traffic that has to penetrate the residential communities of Newark in order to enter the "Central Study Area" on an average week day. These figures were developed by the C.B.D. Study and are merely suggestive since they do not include traffic that leaves the Central Newark Study Area and thereby also enters residential streets and communities.

TABLE 5

NUMBER OF VEHICLES ENTERING THE "CENTRAL NEWARK STUDY AREA"
ON AN AVERAGE WEEKDAY - 1959

<u>STREET OF ENTRY</u>	<u>NEIGHBORHOOD AFFECTED</u>	<u>NUMBER OF VEHICLES</u>
<u>FROM THE SOUTH</u>		
CLINTON, SHERMAN, PENNSYLVANIA, BROAD AND McCARTER	DOWNTOWN LINCOLN PARK SOUTH CLINTON HILL IRONBOUND MEADOWLANDS	56,100
<u>FROM THE WEST:</u>		
WAVERLY, SPRUCE, W. KINNEY, COURT, SPRINGFIELD, 13TH, W. MARKET, RAYMOND, CENTRAL, ORANGE	DOWNTOWN CLINTON HILL WEST SIDE BELMONT WEST MARKET ROSEVILLE	60,400
<u>FROM THE NORTH:</u>		
HIGH, PLANE, BROAD, McCARTER	NORTH NEWARK DOWNTOWN	46,400
<u>FROM THE EAST:</u>		
BRIDGE, H & M BRIDGE, RAYMOND, MARKET, LAFAYETTE, SOUTH	NORTH NEWARK DOWNTOWN IRONBOUND MEADOWLANDS	46,000

SOURCE: NEWARK, NEW JERSEY - A STUDY OF THE DOWNTOWN AREA, OSKAR
STONOROV AND VICTOR GRUEN.

If these traffic volumes shown in Table 5 are doubled, an approximation of the level of vehicular penetration of residential communities can be surmised. Thus Newark, a city with some 450,000 people, has about an equal number of private cars, trucks and buses on its residential streets (bound to or from the C.B.D.) in an average day of the week. While the proposed Loop System will draw a substantial proportion of this traffic away from residential areas, a comprehensive traffic program and plan will be necessary to integrate the local transportation system of the city with the proposed major expressways in order to aid in realizing neighborhood renewal objectives. This should be conceived on a city-wide level but developed for each neighborhood separately. It would include a vehicular cordon count, an origin and destination analysis, an identification of the number of private cars, buses and trucks that use local and major streets and proposals for the most efficient street circulation pattern in conformity with the transit and renewal needs of the area.

It will, however, also be necessary to examine the routes of the Loop System as they impinge on Newark's residential areas since such major changes in the physical and circulation life of the city are bound to affect the possibilities of renewal in entire communities. The map opposite page 38 indicates, for example, that the northern arm of the proposed Loop, i.e., the East-West Freeway would pass through the stable, residential community of Roseville and, if operated as planned, would be a serious deterrent to the future renewal of the area. A somewhat different consideration would be involved with the Midtown Distributor whose construction would

necessitate demolition of many substandard and badly blighted structures in the Belmont and West Market communities. Since these communities are essentially clearance in character, their rebuilding will probably take place over the same period as the construction of the Distributor and, as a result of both major actions, new community alignments and attachments are likely to result. However, a much more harmful consequence can be expected if the Southern Freeway is constructed as planned. This section of the system will close the Loop on its southern end and, as proposed by State highway authorities, would cut through a section of the better than average residential Weequahic community and eliminate some very good housing in that neighborhood. The city has suggested a different, more northerly route which would completely bypass Weequahic and, therefore, contribute to the clearance of deteriorated central sections of Newark.

From the discussion presented here, two main elements of an effective renewal program become apparent; first, the need for close coordination between Federal, State and City authorities in highway and urban renewal planning and execution, and second, the crucial factor of time, which is an integral part of the coordination picture.

With regard to the first aspect, the city has cooperated and worked with the State Highway Department on their proposals, but due to the lack of a total comprehensive transportation plan not only for Newark, but the entire northeastern portion of the State, such coordination has not proven too fruitful up to this time.

Regarding the time factor, two examples can be cited, which in Newark's experience already has and is impeding effective renewal activities. The first is the air of uncertainty which the proposed East-West Freeway has cast on the Roseville community. Renewal treatment has been delayed in this area because of the undetermined character of the type of freeway construction (elevated or depressed) and the uncertainty of the alignment location. These deferred decisions have put a stop to almost any type of structural improvement or redevelopment in this community for the past five years. Land speculation has taken place, and the Roseville residents and business people are beginning to lose faith in any improvement. In addition, due to lack of federal funds and other "higher" priorities, the State has recently announced that no funds will be available for this freeway project even in the 1960-61 fiscal year.

Since the construction of any highway or freeway in Newark generates substantial renewal activity, it is imperative that close city-state coordination be effected so that the area, through which such a roadway passes, will obtain the maximum benefits in the shortest possible time. Such highway projects must not be detrimental to community improvement.

The second example of the crucial factor of time can be found in the Old Third Ward Urban Renewal Project (R-6). This project is nearing the execution stage. However, a State proposed midtown freeway will pass through the project area, which, due to the lack of funds, will not be built until the above mentioned East-West Freeway

city-wide trends in manufacturing and non-manufacturing activity since World War II. Newark's industrial districts contain a very wide variety of workers in many categories of employment and the published data (available only on the city level) are combined in rather large industrial classifications. It is, therefore not possible to relate employment figures directly to the districts. Nevertheless, the data in Appendix Table V indicate that, for the city as a whole, no significant overall employment changes have occurred since 1947. Total employment (excluding workers in firms with less than four employees and government workers) has shown a very moderate rise from 202,500 in 1947 to 207,000 in 1957, the latest year of published figures. Manufacturing employment, however, has shown about a 5 percent decline which seems to have occurred some time after 1953. More than off-setting this manufacturing drop was the rise in the wholesale-retail group and in the services category.

While the decline in manufacturing employment seems to be borne out by other data, the rise in the wholesale-retail group is probably due to the advance in the wholesale component. Thus, information from the Newark Department of Health and Welfare, Division of Inspections, indicates that considerably fewer industrial buildings were constructed in the later years of the 1947-57 decade than in the earlier ones. (See Appendix Table VI) On the other hand, the trends in wholesale activity between 1948 and 1954 indicated that gains are being made in this industrial category. The U. S. Census of Business of 1954 showed 1,433 wholesale establishments in Newark in that year compared with 1,339 in 1948. All these gains were



URBAN RENEWAL DISTRICTS

1. RIVER AREA
2. WILSON
3. WILSON
4. WILSON
5. WILSON

6. INDUSTRIAL AREAS
7. CEMETRY

8. ARE VACANT.

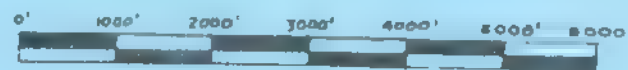
9. PROPERTY APPRAISAL
10. DEPARTMENT OF REVENUE,
11. NEWARK & CENTRAL PLANNING

URBAN RENEWAL - NEWARK, NEW JERSEY

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NEWARK CENTRAL PLANNING BOARD

A DEMONSTRATION GRANT PROJECT



among merchant wholesalers i.e., those who keep stock on the premises and are most likely to be located in Newark's industrial districts. These off-setting factors plus the postwar stability of employment in the transportation and the communications and utilities groups indicate that, barring unforeseen economic shifts, Newark's industrial districts are not likely to experience substantial employment contractions or expansions in the near future.

There are however, a number of technological factors involved in the changing methods of production that will probably affect land and floor space needs of some Newark plants in the next ten years. The impact of automation with its large floor space requirements and the need for substantial amounts of land and floor area even in non-automated factories will create a challenge that can be met only by providing new space for efficient operation. Expanding existing plants and new ones attracted to Newark as a place of business will not be satisfied to operate under the handicap of mixed residential and other incompatible uses, heavy traffic, inadequate parking facilities and loading even though the present manufacturing wholesaling and trucking firms in Newark have long learned to "live" with them. In addition to providing an efficient industrial environment, renewal should therefore, sharpen a major competitive stimulus to keep existing factories here and attract new ones from other areas.

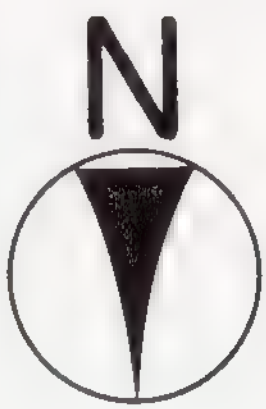
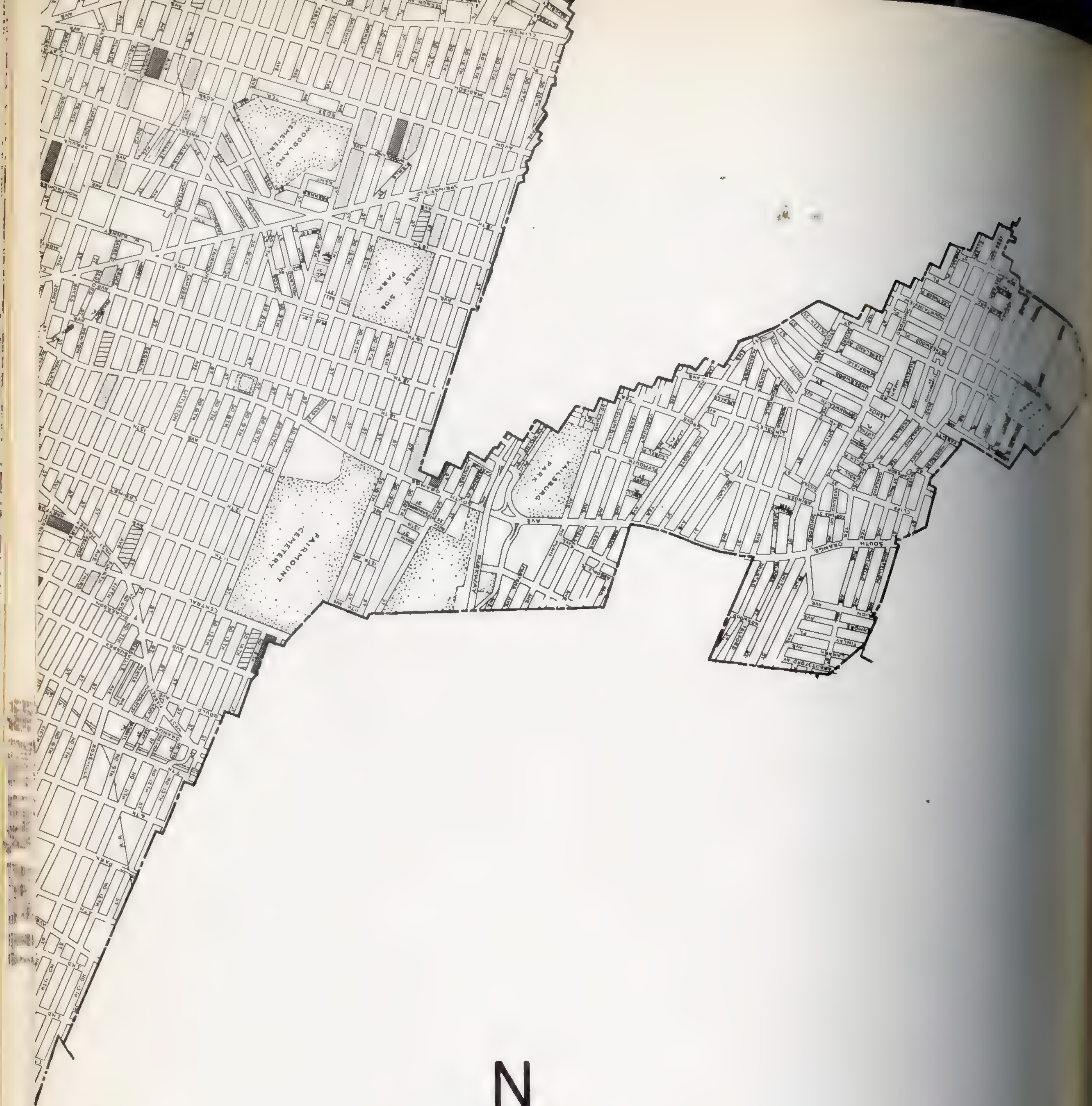
Industrial Districts in Newark

For the purpose of this analysis, four districts of industrial concentration have been delineated in the city, i.e., Frelinghuysen, Hoboken, Meadowlands and Passaic River. The "remainder of the city"

is, of course, not a district in the sense of the others but, as evident in Table 6, (page 87) an important component of the total industrial picture in Newark. The four self-contained areas were selected on the basis of the distribution of land uses and their relation to the physical and transportation features of the city. As will be shown later, these districts also differ from each other in a number of significant "inventory" features such as size, number and value of structures, age, residential mix, etc. Reference to map opposite page 82 showing the geographic position of these four districts, indicates that they form a sort eastern "wall" for the city of Newark. However, a brief sketch of the area will show the following distinguishing characteristics:

- a. Frelinghuysen - Perhaps the best and most functional of all four districts, with the newest and, on the average, the most valuable industrial structures. Many buildings face Frelinghuysen Avenue, a wide major street allowing for free traffic flow, and railroad sidings connect many plants and factories directly to the transportation network of the rest of the country. There are very few residential buildings in the Frelinghuysen district. (See map opposite this page for heavily "mixed" industrial blocks.)
- b. Ironbound - This is an unusually "mixed" industrial area in two ways. Firstly, it surrounds an old established and generally stable residential section and secondly, the industrial portion itself contains a substantial number of housing structures many of which have deteriorated mainly as a result of contiguity with the factory environment.







INDUSTRIAL MIXED LAND USES BY BLOCKS - 1957

INDUSTRIAL LAND AS A PERCENTAGE
OF ALL BUT VACANT USES

	45 - 54 %
	35 - 44 %
	55 - 64 %

NOTE THE 45 - 54 PERCENTAGE RANGE CONTAINS
THE GREATEST AMOUNT OF MIXED USE.
SOURCE REAL PROPERTY APPRAISAL FOR THE
DEPARTMENT OF REVENUE, CITY OF NEWARK.

URBAN RE

OCTOBER 1959
NEWARK CENTRAL PLANNING
A DEMONSTRATION GRANT

ment. While most industrial plants are considerably smaller than in the Frelinghuysen district and land coverage is substantially higher, some large establishments, notably the Ballantine Brewery Co., are located in the Ironbound. Some of the oldest industrial buildings in Newark are situated here and the street pattern is narrow, heavily trafficked and generally inefficient for truck transportation.

- c. Meadowlands - Industrial structures cover more land in this area than in any other of the four districts yet the Meadowlands has, by far, the major reserve of Newark's vacant land. Much of it is in marshes and therefore not available for development in the near future. The Meadowlands occupy 5,585 acres and is crisscrossed at its peripheries by a very intricate network of railroads, highways and viaducts. In addition to its 755 industrial structures, the Newark Airport and Port Newark are major features of this large industrial complex. The latter handled 3,367,600 cargo tons in 1958, a 31 percent increase over the previous year and is experiencing rapid payroll and employment rises. This increase in economic activity will continue upward as 635 additional acres of marsh land are put to use in connection with the second channel now under construction, a project scheduled to double the size of present pier facilities.
- d. Passaic River - This area is essentially a very thin strip

of land stretching along the Passaic River from the northern section of the Ironbound to the northern boundary of Newark. While it contains slightly more industrial buildings than the much larger Meadowlands, these are considerably older structures and many were built more than 50 years ago. (See map opposite page 88) They are also substantially more crowded on the land and, in this respect, the Passaic River industrial district resembles the Ironbound more than any other district.

Analysis of Newark's Industrial Districts

Information from the property survey indicates that there were 7,268 industrial structures in Newark valued at \$220.2 millions in 1957. Together with the value of land they totalled \$274.2 millions and occupied 2,254 net acres.

a. Value and Land Coverage

One of the most significant features of the distribution of Newark's industrial plant (and a feature on which comment has already been made) is the fact that half of these structures were not located in any of the four industrial areas of the city but were scattered throughout residential neighborhoods of Newark. As shown in Table 6, they occupied considerably less than one half of the 2,254 acres of land on which all industry is located but represent almost 41 percent of the value of all such buildings.

From the point of view of "suitability", the very general data in Table 6 point to the fact that parts of the Ironbound

and Passaic River districts might be most appropriate for industrial renewal treatment.

TABLE 6

NUMBER OF INDUSTRIAL STRUCTURES, LAND COVERAGE AND
VALUE BY INDUSTRIAL DISTRICTS IN NEWARK, 1957

<u>DISTRICT</u>	<u>NUMBER OF STRUCTURES</u>	<u>LOT COVERAGE (IN MILLIONS OF SQUARE FEET)</u>	<u>VALUE OF INDUS- TRIAL STRUCTURES</u>
DELINGHUYSEN	669	11.5	\$36,343,044
IRONBOUND	1,420	15.9	41,167,505
PASSAIC RIVER	777	14.6	27,875,451
MEADOWLANDS	755	36.5	23,551,099
REMAINDER OF CITY	3,647	19.6	91,249,455
TOTAL	7,268	98.1	\$220,186,554

SOURCE: REAL PROPERTY APPRAISAL FOR THE NEWARK DEPARTMENT OF REVENUE

The 1,420 plants, warehouses, terminals, and utility buildings etc, in the Ironbound occupy a ground area of 15.9 million square feet for an average of 11,200 square feet of land per structure. Industrial buildings in the Passaic River district have a somewhat lower coverage, i.e., 18,800 square feet of lot area per building. But these can be considered relatively "crowded" compared with the Meadowlands where each structure is situated on the average on a little more than one acre of land. A similar gradation is apparent

in terms of average value per structure. In this comparison, the Ironbound is lowest with an average value per industrial building of \$29,000 dollars, while the Frelinghuysen area, at the top of the scale, had an average of \$45,300 dollars.

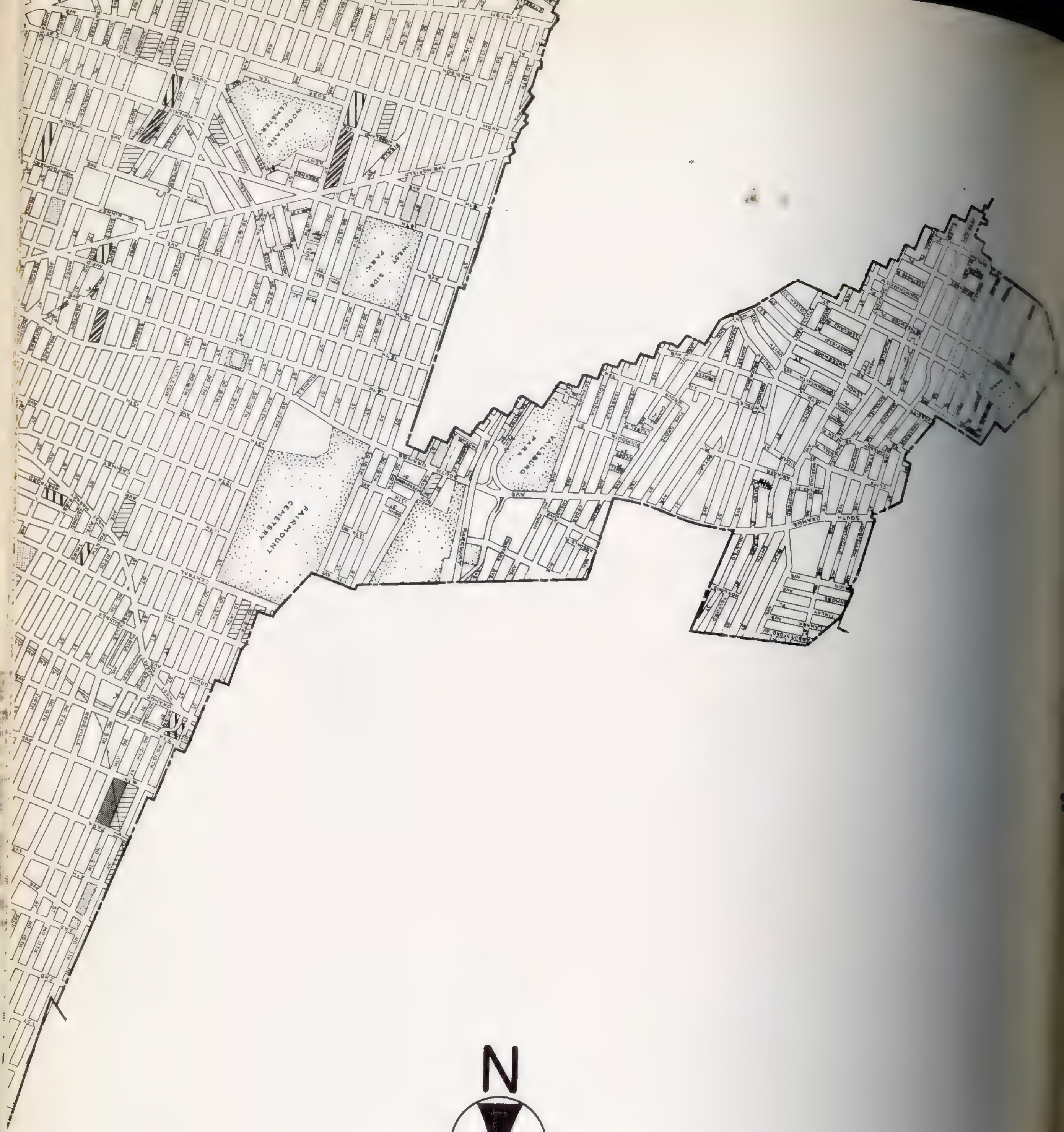
b. Condition of Structures

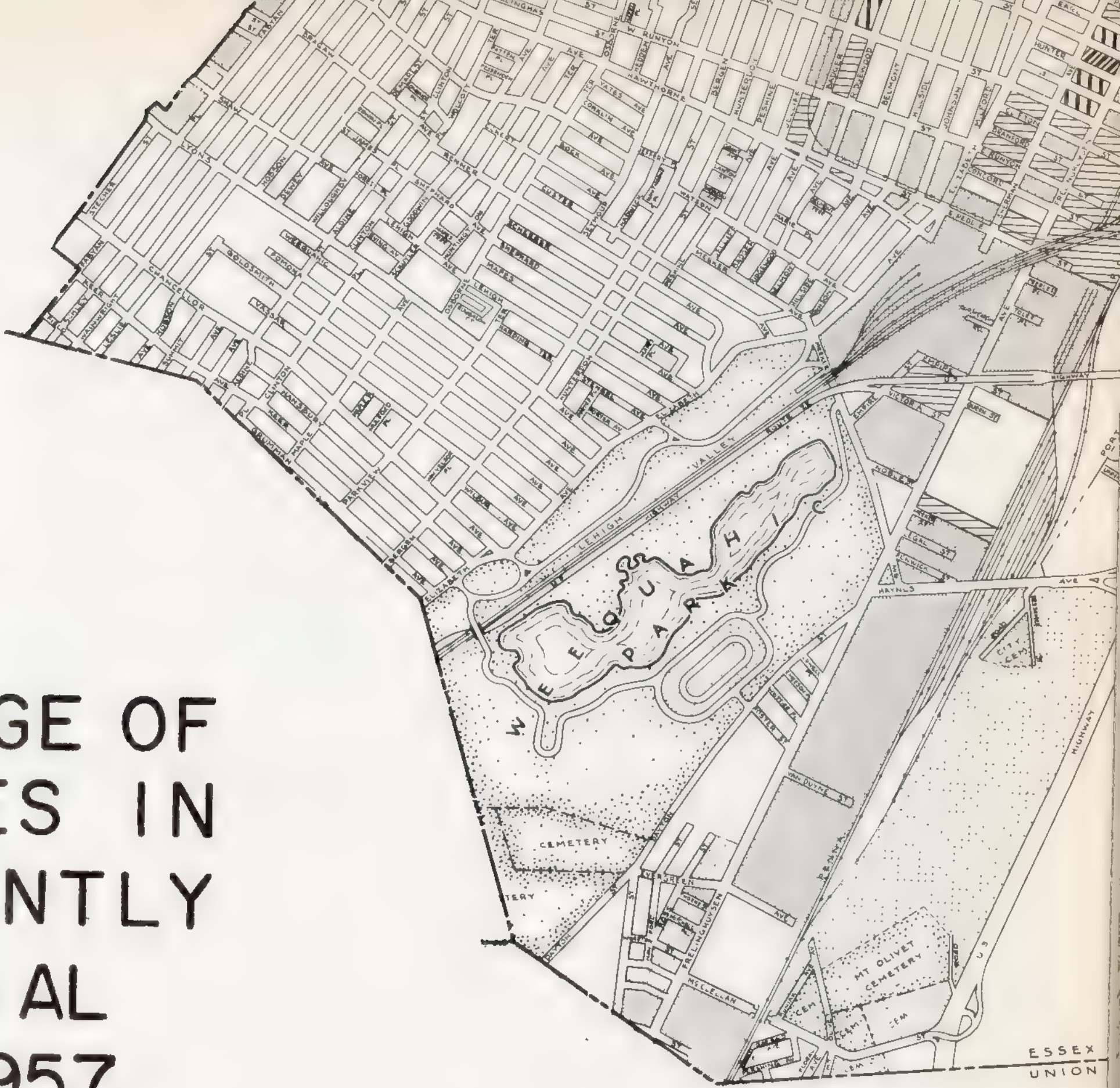
In our discussion of residential housing quality, it was indicated that the property survey made it possible to "score" all blocks in Newark for the structural condition of their buildings. This was referred to as the "average net condition." Table 7 on page 90 presents a distribution of all blocks in the four major industrial districts and in the rest of the city, the latter comprising scattered industrial blocks in residential areas. (See map opposite page 82) As indicated earlier, the scoring system varied from 0 to 100 percent with the quality of structures improving as the score increased. The score itself is a measure of structural quality and maintenance and includes an evaluation of:

1. Physical depreciation - A percentage evaluation derived from the appraisal system that incorporates the following:

- (a) Effective age of structure, which is the actual age adjusted downward for alterations, additions and modernization.
- (b) Quality of construction, i.e., good, average, fair or low grade.
- (c) Current maintenance in terms of condition.







AVERAGE AGE OF STRUCTURES IN PREDOMINANTLY INDUSTRIAL BLOCKS-1957

- BLOCK AVERAGE:
- UNDER 25 YEARS
 - 25-39 YEARS
 - 40-49 "
 - 50-59 "
 - 60-69 "
 - 70 AND OVER

SOURCE: REAL PROPERTY APPRAISAL FOR THE
DEPARTMENT OF REVENUE, CITY OF NEWARK.

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2. Obsolescence - The obsolescence score is also a percentage and varies by type of structure. As a rule, multi-storied industrial structures are generally considered more obsolete than single story buildings since the former contain a higher proportion of vacant space and are not adaptable to modern industrial use. One story industrial buildings are considered obsolescent only when the building is functionally out moded and also incapable of conversion to other uses. Generally, the obsolescence score measures the change in the utility of location; changed neighborhood conditions resulting from shifts in land use, population and business; or lessened demand for certain building types caused by technological advance or changed economic conditions.

Because the data in Table 7 are presented on a block basis, there is some distortion in the "quality" measure particularly if the same block contains industrial structures that are considerably above average and others that are physically deteriorated. Nevertheless, it is significant to note that the Passaic River district has the greatest proportion of industrial blocks with a score below 50 percent (i.e., the seriously blighted areas.) Fully 23.1 percent of all blocks in that district contain factories, warehouses and other industrial buildings that are structurally

TABLE 7

STRUCTURAL CONDITION OF INDUSTRIAL BUILDINGS
IN NEWARK, BY BLOCK AVERAGES - 1957

		BLOCK DISTRIBUTIONS BY "CONDITION" SCORE				
<u>DISTRICT</u>		80 & OVER	70-79	60-69	50-59	40-49
FRELINGHUYSEN -	NUMBER	12	6	15	13	6
	PERCENT	23.1	11.5	28.9	25.0	11.0
IRONBOUND -	NUMBER	4	22	45	28	15
	PERCENT	3.4	18.6	38.2	23.7	12.7
PASSAIC RIVER -	NUMBER	9	18	14	12	11
	PERCENT	13.0	26.1	20.3	17.5	15.9
MEADOWLANDS -	NUMBER	6	6	6	10	4
	PERCENT	18.2	18.2	18.2	30.3	12.1
REST OF CITY -	NUMBER	3	23	32	41	24
	PERCENT	2.4	18.1	25.2	32.3	18.9

NOTE: EACH BLOCK WAS SCORED BY THE ARITHMETIC AVERAGE OF ALL ITS INDUSTRIAL BUILDINGS. THE BUILDING SCORE WAS A MEASURE OF THE STRUCTURAL CONDITION AND DEGREE OF OBSOLESCENCE OF THE BUILDING.

SOURCE: REAL PROPERTY APPRAISAL FOR THE NEWARK DEPARTMENT OF REVENUE
CENTRAL PLANNING BOARD.

deficient in some major respect. This is followed by the Ironbound and Meadowlands each with about 15 percent of their industrial blocks in the under 50 percent group. (The distribution in the latter district is based on a small number of such blocks since the Meadowlands is very large with relatively few block subdivisions.) Frelinghuysen stands out as the district with the smallest proportion (only 6 percent) of deteriorated industrial blocks while in the rest of the city, the "scattered" industrial blocks contain a high percent of less than standard structures. The latter fact makes it doubly necessary to initiate and carry out a program of eliminating or minimizing industrial uses in residential areas.

c. Post War Construction

It is apparent that private investment since the end of World War II has been concentrated in the Frelinghuysen and Meadowland industrial districts where "unassisted" capital has resulted in the construction of industrial buildings valued at \$10.7 and \$18.4 million dollars respectively. These districts are still relatively attractive to industrial developers who find the availability of vacant land, excellent transport access and less intermixture of residential land uses valuable investment features.

TABLE 8
NUMBER AND VALUE OF INDUSTRIAL BUILDINGS
FOR WHICH PERMITS WERE ISSUED - 1947 - JULY 1959

<u>DISTRICT</u>	<u>NUMBER OF BUILDINGS</u>	<u>ESTIMATED VALUE</u> (IN MILLIONS OF DOLLARS)	<u>ESTIMATED SPACE</u> (IN THOUSANDS OF SQUARE FEET)
FRELINGHUYSEN	42	\$10.8	1,072
IRONBOUND	51	2.8	439
PASSAIC RIVER	53	1.9	390
MEADOWLANDS	64	18.4	1,400
REMAINDER OF CITY	54	3.4	431
TOTAL	264*	\$37.3	3,732

*DIFFERS FROM TOTAL IN APPENDIX TABLE VI WHICH INCLUDED ONLY THOSE WAREHOUSES THAT WERE PART OF A MANUFACTURING OPERATION. ABOVE TABLE INCLUDES ALL WAREHOUSES

SOURCE: NEWARK DEPARTMENT OF HEALTH AND WELFARE, DIVISION OF INSPECTIONS.

Not only did the Frelinghuysen and Meadowlands Districts receive two thirds of all post war industrial construction (measured by square footage) and 78 percent of the estimated value of such buildings, but they were also the sites of the larger new factories, warehouses and other similar structures. The average size of all industrial buildings constructed since 1947 was 25,000 square feet in Frelinghuysen and about 22,000 square

feet in the Meadowlands compared with 8,600 square feet of floor space in the Ironbound and 7,400 in the Passaic industrial district. It is significant to note that the latter two areas, have been keeping pace with the other districts in terms of the number of buildings constructed but are showing a marked specialization in attracting the smaller firms. Since almost all available criteria point to the fact that industrial renewal should be undertaken in parts of the Passaic River and Ironbound districts, it is around the smaller industrial firms, with their special needs and requirements, that renewal will probably have to be oriented.

Considerations and Criteria for Industrial Renewal in Newark

While these data indicate some of the qualitative differences among Newark's large industrial districts, much more specific information will be needed to develop criteria for the delineation of industrial renewal areas. Prior to a discussion of these data and criteria, it might be useful to examine the context within which such renewal could develop and evaluate the direction that such a program can take.

The basic objective of industrial renewal in Newark will be to identify the areas of most acute blight and obsolescence and effect such improvements so that deterioration is arrested and the industrial renewal district becomes a physical, economic and visual asset to the city and community. If this is accomplished by the

assembly clearance of land and the resale of such land to private developers (the current procedure), a beneficial by-product of this kind of program is the possibility that existing plants will be tied closer to Newark and new establishments attracted by the availability of advantageously located, cleared land.

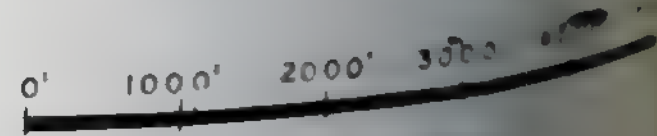
But vacant industrial land now exists in Newark, especially in the Meadowlands, and it may very well be cheaper both for the city and private developers to "prepare" this land for use, rather than acquire and clear existing developed land. This would, indeed, make economic logic if immediate costs were the only consideration but an industrial renewal program is aimed at eliminating a process and condition of industrial decay that, if unhindered, will ultimately have a very far reaching effect on the economic base of the city. Thus, while development of vacant land for industrial use should be planned and encouraged, the principal impetus should be given to the acquisition, clearance and resale of blighted industrial tracts. The former, of course, involves practically no out of pocket expenses for the city while the latter does.

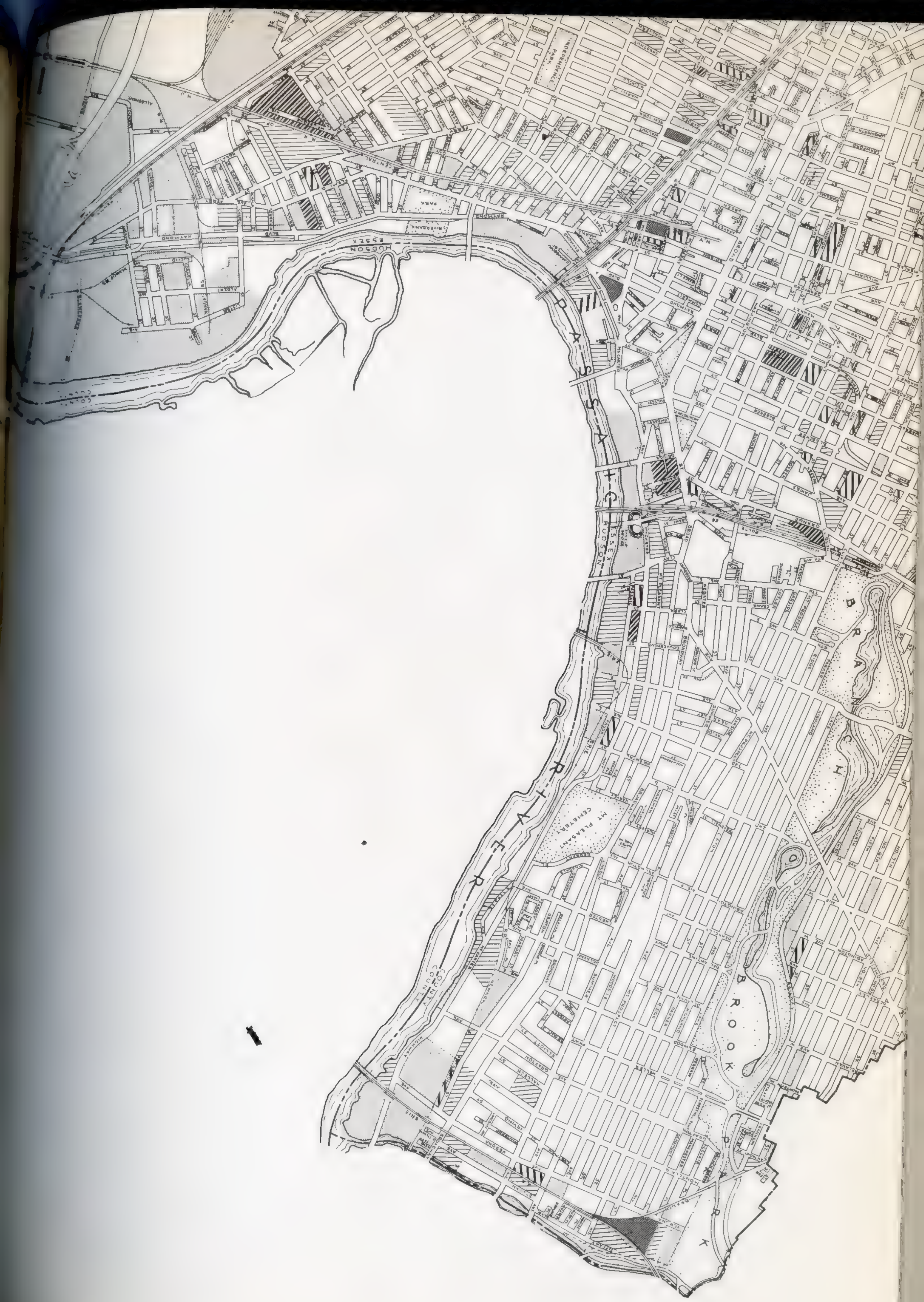
It would be possible to achieve the long term benefits of industrial slum clearance and renewal under two kinds of financial programs and both should be seriously evaluated and considered by the city. The first would be developed pursuant to the Title I provision of the National Housing Act whereby the city would assume clear and resell industrial land and contribute one-third of the write-down loss, the other two-thirds to be borne by Federal government. Under this arrangement, the city does not maintain title to the land and must bear part of a non-recoverable money outlay.

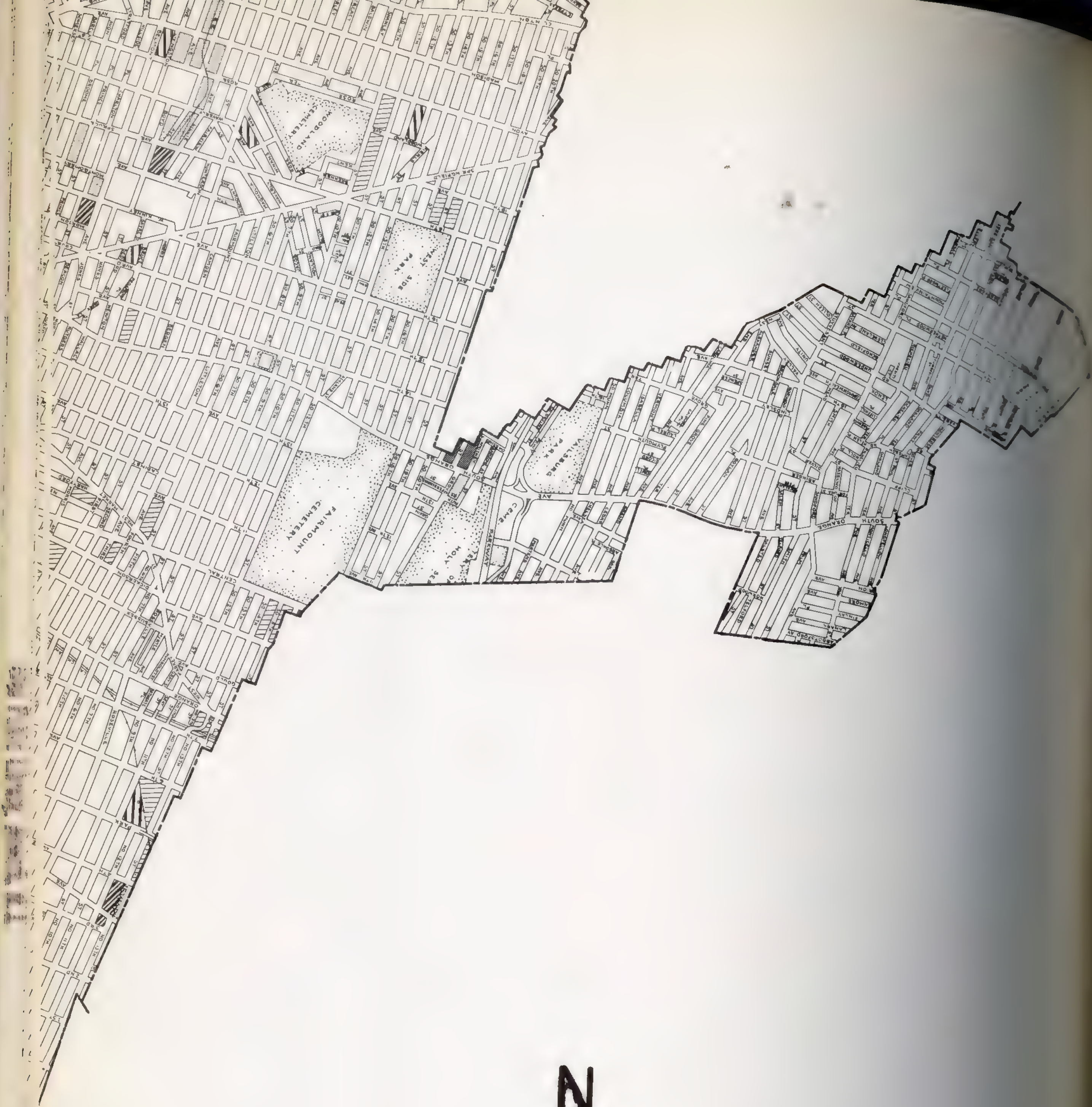


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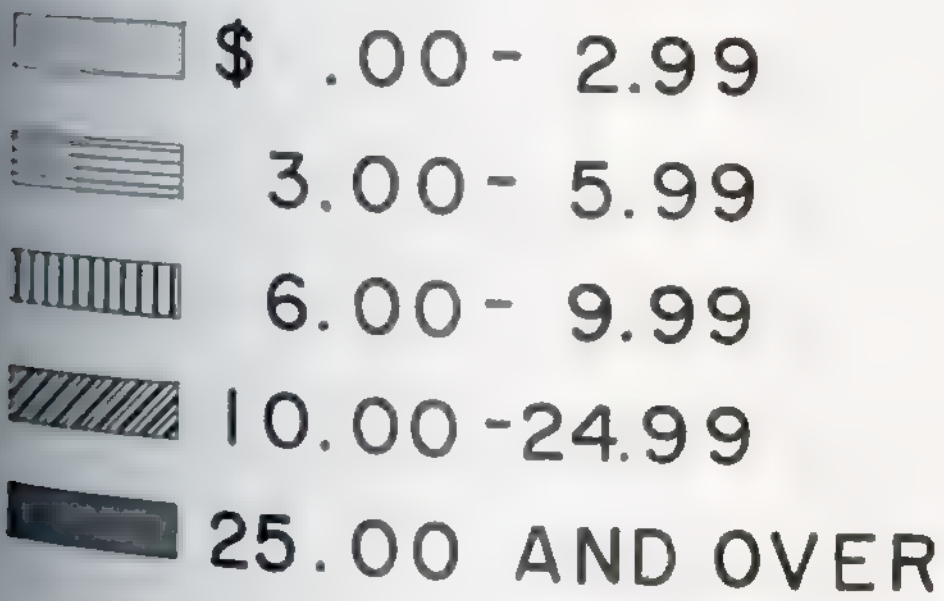




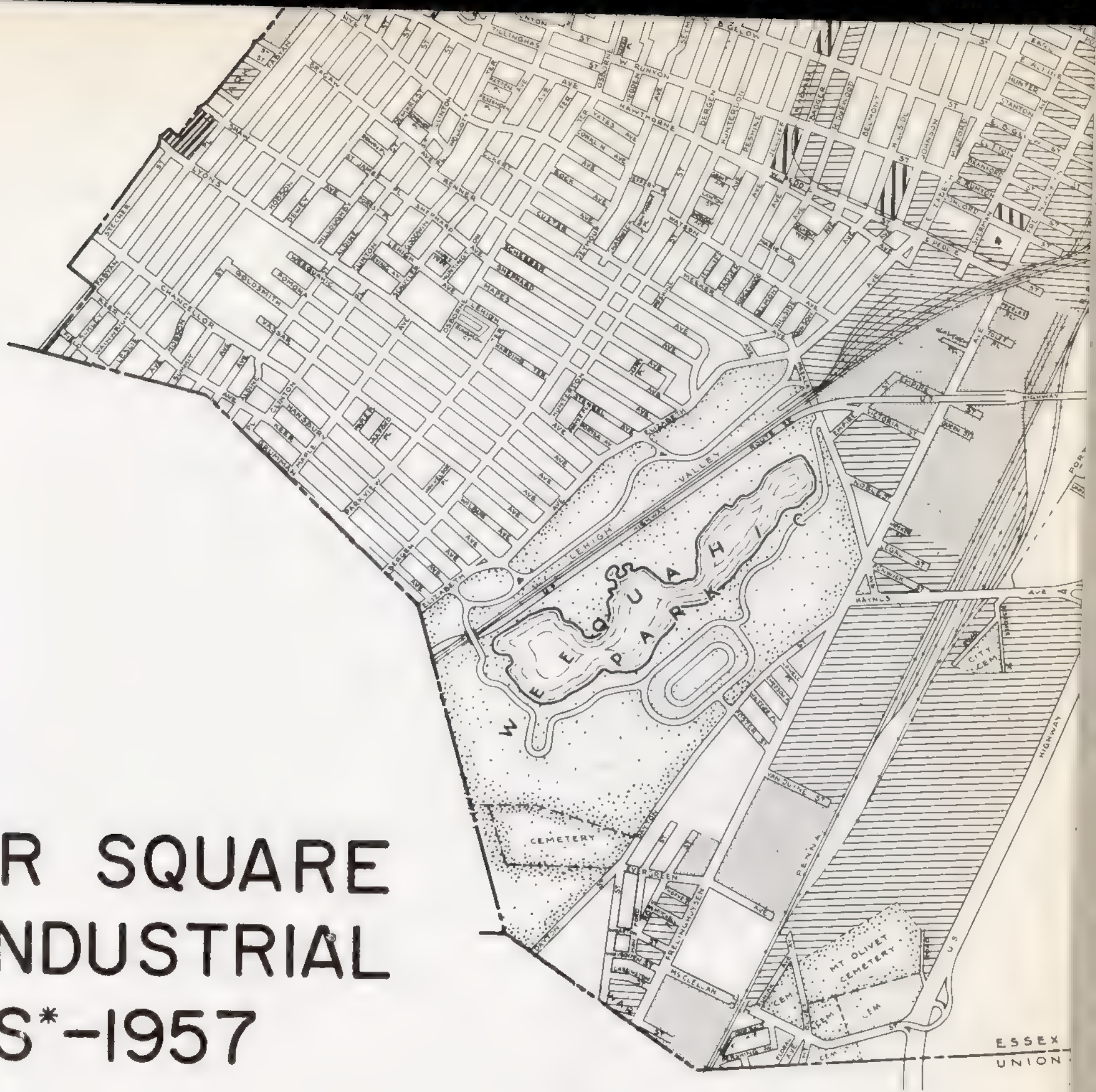


VALUE PER SQUARE FOOT OF INDUSTRIAL BLOCKS*-1957

BLOCK AVERAGE:



* INCLUDES VALUE OF LAND AND BUILDINGS WITH, IN SOME BLOCKS, COMMERCIAL PROPERTIES.
SOURCE: REAL PROPERTY APPRAISAL FOR THE DEPARTMENT OF REVENUE, CITY OF NEWARK.



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must also either demolish or construct a fixed amount of residential structures on the project site. In very broad terms, an alternate approach would not involve Federal participation but have the city assemble and clear the industrial slum area and then lease the land to a developer or a number of developers on a long term (5 years or more) basis. The city, or an Industrial Development Commission that will act for the city, eventually gets back in and recoups the full cost of its initial investment and retains ownership over land that should be considerably more valuable at the end of the 50 year period than at the beginning. This second proposal is predicated on the ability of the developer to obtain long term, low interest financing so that he could offer new industrial space at a "going" market price.

Under either program, the worst of Newark's industrially blighted areas could be cleared and redeveloped in accordance with planned streets and facilities. Large blocks, wider and longer streets, low lot coverage, landscaping, adequate off-street parking and loading are the features that would be incorporated in these planned industrial districts. Moreover, such income retarding factors as scattered vacant land, tax delinquencies of in rem properties, and low tax values of blighted and marginal structures would be eliminated.

In selecting the specific block or blocks best suited for industrial redevelopment, a number of widely varying criteria would have to be evaluated and judged in relation to each other. For example, the oldest structures, the most obsolete ones, and those that are most dilapidated would certainly qualify for clearance. On the other hand, certain criteria related to the resale poten-

tialities of the land such as nearness to major highways, must also be considered. Listed below are the kinds of criteria against which industrial structures and districts (i.e., groups of blocks) should be measured for renewal purposes;

- a. Physical condition, age and economic obsolescence
- b. Extent of land coverage
- c. Size of structures, i.e., number of stories, ground areas and total floor space
- d. Value of structures and value per square foot of land
- e. Tax revenue from structures and extent of tax delinquencies
- f. Street pattern, i.e., width, length and volume of traffic
- g. Accessibility to major highways and railroads sidings
- h. Extent of vacant lots and area
- i. Distance from large existing factories or plants that may need land for expansion.

The city of Newark (its government and business community) should begin to think about the renewal and development possibilities of its industrial areas in the same manner and with the same breadth of vision that is being applied to its downtown, commercial areas. No large schemes are likely to be undertaken immediately. But when industrial area selection does become an imminent reality it would be advisable to focus on a relatively small geographic segment of any district since the extent of the demand for such land will not be known till it is offered on the market. Nevertheless, the city should be geared to move decisively when such a small pilot program shows that industrial renewal can be undertaken on a larger scale.

CHAPTER V - THE ELIMINATION OF NON-CONFORMING USES - A SUGGESTED LEGISLATIVE AND ADMINISTRATIVE APPROACH

In this part of the Project study, an inquiry has been made into the deficiency of existing statutory and case law in New Jersey which has resulted in a failure to cope adequately with the problem of eliminating undesirable non-conforming uses. Further, a review was made of some of the methods of treatment utilized in other jurisdictions and suggestions are developed here on a legislative and administrative program to meet the problem of such uses.

It has become painfully apparent that haphazard mixtures of land uses including non-conforming uses complicate orderly planning, constitute a blighting factor and contribute heavily to the growth of poor conditions.¹ With long-range plans for a ten-year urban renewal program contemplated by this Demonstration Grant Study and the substantial emphasis on conservation and rehabilitation, techniques for dealing with widespread incompatible land uses become urgently needed.

Newark suffers from a wide variety of indigestible uses arising essentially from four sources - (1) illegal uses that continue unchecked because of lack of enforcement, (2) uses which are non-conforming but legal because they pre-exist the zoning ordinance and enjoy protection under the state law, (3) uses which were authorized by variances and constitute another form of legal non-conforming uses

Footnote: All footnotes to this Chapter are in Appendix LC-1

and (4) uses which, while conforming to the present zoning ordinance, are, nevertheless, incompatible because of the deficiencies of the present ordinance. If a corrective amendment is adopted, these uses will then become legally non-conforming.

This legal analysis assumes that the zoning ordinance will be revised as part of the urban renewal plan so that the uses under (1) above will join their brethren under (2) and (3) as non-conforming uses. Thereafter the techniques suggested here or comparable or better techniques can be applied to eliminate, ameliorate or convert the uses to more appropriate and compatible forms.

Adopting a program of eliminating (or neutralizing) non-conforming uses will not guarantee the integrity of the zoning plan. Related and of equal concern to mitigating the effect of existing non-conforming uses, is the establishment of sufficient control over the procedure of issuing variances and special exceptions so that new troublesome uses will not spring up as quickly as the old non-conforming uses are subdued. It would be ironical (and foolish) to plan to execute programs for neighborhood improvement if faulty practices in issuing variances, special exceptions or approving of new zoning amendments were permitted to undo and undermine the accomplishments of the renewal program, making future outlays for further renewal inevitable. Consequently, there will be included in another part of the legal study, as a complementary phase to it, some review of current problems in zoning administration and some recommendations as to how this aspect of the municipal machinery can be brought into step with the long-range urban renewal program.

The word "eliminate" as used in the title of this chapter is probably too sweeping for what is intended. One conclusion drawn, however, is that elimination of all non-conforming uses is not necessarily the most desirable end. It may well be sufficient to accomplish the public purpose of advancing the renewal plan to eliminate or neutralize only those features of the use which are objectionable to the neighborhood and the plan of development. If there is one fallacy that becomes apparent, it is that a non-conforming use is per se deleterious. It does not follow that every such use must be declared, ipso facto, a target for speedy and total destruction. Dealing as we are with a wide variety of uses and with large private investments, the need as will be developed, for sufficient flexibility so that remedy can be adapted to each case and pat statutory nostrums avoided.

One great difficulty encountered in this study is the significant lack of information as to the types of uses and the extent of the evils which the proposals contained herein are expected to correct. To some extent we stand guilty of placing the cart before the horse. Yet, it is not premature to get on with a task that the most casual observation reveals is long overdue.

Current Position of Non-Conforming Uses

New Jersey places elimination of non-conforming uses out of reach of the police power by state statute² R.S. 40:55-48 which provides: "Any non-conforming use or structure existing at the time of the passage of an ordinance may be continued upon the lot or in the building so occupied and any such structure may be restored or repaired in the event of partial destruction thereof."

This statute effectively blocks remedial action by municipalities to eliminate undesirable non-conforming uses. To illustrate the degree of immortality conferred on such uses, the Borough of Raritan was frustrated in its efforts to place a time limit on non-conforming buildings by an ordinance which sought to compel their removal after ten years.³ The Court held this provision invalid, not because the period proposed was unreasonable but on the more sweeping and categorical grounds that the statute cited above provided an express right to continue a non-conforming use indefinitely and any attempt to curtail the right was beyond the power of the municipality.

Nor have the courts tolerated any effort to eliminate non-conforming uses by a "backdoor approach", that is, by outlawing such uses because of their failure to comply with other municipal regulations. The Appellate Division balked the efforts of the Borough of Totowa to preclude the owner of a used car business whose lot was a legal non-conforming use from continuing in business because of his failure to maintain his license continuously intact.⁴ The Court held that the owner of the non-conforming uses was entitled to stand on the statute previously cited

"without being made to suffer erosion of his rights...under the excuse of serving the public policy represented by regulatory enactments of quite different significance for the enforcement of which appropriate sanctions are available"⁵

Public policy on this subject strains in two different directions. While bestowing perpetual life on non-conforming uses, our courts

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Nevertheless keep repeating that the spirit of the zoning statute is⁶ to restrict non-conforming uses. The implicit hope is that by pre-
scribing but confining the uses, the owner will be starved into some
kind of submission and ultimately be compelled to give up the use as
economical.⁷ This has the advantage of salving the public conscience
without paying the owner compensation for the inconvenience caused
because, after all, his discontinuance is "voluntary". Experi-
ence has proven that such hope of non-conforming uses withering on
vine is vain. These uses by reason of their specially privileged
status have not been as accommodating as early planners hoped. They
not only survived, but have been joined by a steady stream of
non-conforming uses arising out of variances and amendments to
zoning ordinances.⁸

The rigidity of New Jersey's statutory and judicial thinking is
further illustrated by the condemnation by the court of an ordinance
aiming to prohibit resumption of uses after they have been discon-
tinued for a specified period of time.⁹ The court did not pass on
whether it would approve an ordinance creating just a presumption
instead of a flat declaration that discontinuance for a given period
of time would constitute abandonment. Suffice to say, the decision
renders this type of limited effort at eliminating non-conforming
uses questionable. The provision to this effect contained in
Section 36.15 of the Newark Zoning Ordinance is probably void.

Nor have the New Jersey courts sustained ordinances which at-
tempted to prohibit the restoration of non-conforming uses which
have been partially destroyed beyond a specified percentage of
the area. An ordinance of the Town of Kearny prohibiting restoration

where destruction exceeded 75 percent of the cost of replacement
was declared invalid.¹⁰ The court repudiated as too restrictive a lower
¹¹ court interpretation that the statute sought to limit repairs and
alterations to those of "a comparatively minor character". The court
refused to formulate any guide as to what was meant by "partial
destruction" saying that it depends on the facts in each case.¹²

While there is some suggestion that non-conforming uses not
only enjoy statutory but constitutional protection in New Jersey,¹³
this has not actually been determined.¹⁴ Elsewhere, the concept of
constitutional protection against any form of retroactive provision
in zoning has been rejected. The constitutional requirement has
generally been framed in terms of requiring that laws and ordinances
be not unreasonably burdensome on vested property rights when weighed
against the public purpose to be served.¹⁵

The New Jersey Constitution, Article 4, Section 6, Para. 2
provides for zoning ordinances

"limiting and restricting to specified districts and
regulating therein, buildings and structures, accord-
ing to their construction, and the nature and extent
of the uses of land..."

There is no restriction expressed or implied in this grant of power
to the legislature which would preclude reasonable provisions looking
toward the elimination or minimization of incompatible uses. Moreover,
an amendment to the state law permitting a reasonable expansion of
the zoning power would be buttressed by the section of the New Jersey
Constitution which requires liberal construction of provisions

relating to municipal corporations.¹⁶ Such an amendment was proposed in a report to the Department of Conservation and Economic Development of New Jersey,¹⁷ but no legislative action was taken. Now with a comprehensive study of all State laws relating to counties and municipalities,¹⁸ it is particularly opportune to consider and propose remedial legislation. The prospects of reform are encouraging. Decisions in other jurisdictions indicate a growing appreciation that reasonable regulations for control of non-conforming uses are permitted under federal and state constitutions.¹⁹

Methods Of Treatment Of Non-Conforming Uses

As noted previously, non-conforming uses just do not die of old age. Some non-conforming commercial uses in residential neighborhoods enjoy exclusive privileges. Why should the owner of a grocery store, which is a protected non-conforming use, abandon his favored position if his is the only store in the area? Also, the all-too-liberal attitude toward variances in a never-ending parade demonstrate that there is no serious expectation of actually eliminating such uses under our present concept of zoning administration.

We must have a fresh approach if rehabilitation and conservation of neighborhoods is to succeed. Past errors must be minimized or overcome and future zoning mistakes avoided.

The following table recites in abbreviated form the methods most commonly employed to discourage, minimize or eliminate non-conforming uses. The legality of each method in New Jersey is set forth as is the availability of each particular method in Newark.

Some of the means referred to are not practical or are of doubtful legality. However, consideration as to applicability to New Jersey should be given to the four most promising possibilities:

1. Amortization procedures (3.b)
2. Selective use of powers of eminent domain (3.d)
3. Performance standards (2.b)
4. Encouraging conversions to less obnoxious use (2.a)

recommended statutory provisions, particularly to counteract provisions which have interpreted R.S. 40:55-48 so restrictively could be embraced in any amendment to this section.

Authorities vary in their views as to the effectiveness of the devices outlined previously. Amortization provisions have received growing recognition and approval.³² But some writers have recognized the limitations of this procedure and advise caution.³³ Some find little real meaning to the so-called nuisance concept as a legal obligation to justify removing a non-conforming use. Nevertheless, a recognized expert sees the nuisance theory as having untapped potential.³⁴

After reviewing the differing contentions and proposals, it would seem that there are three essential questions relevant to evaluating the various devices and establishing an appropriate mechanism to accomplish the task prescribed.

FIRST: After analyzing the applicable physical and planning facts, what is required to minimize the detrimental effect of the non-conforming uses; elimination or conversion or alterations and improvement?

SECOND: Is the remedy proposed of such a nature that the owner is entitled to compensation from public funds? In other words, would the failure to compensate the owner make the proposed remedy so drastic as to constitute an illegal taking of property?

THIRD: What administrative machinery is needed to make findings of facts, develop remedies and either secure the property owners' consent or, failing that, enforce the remedy?

If we decide, much in the spirit of *Berman vs. Parker*,³⁵ that private property rights must not be permitted to balk the development of a plan of renewal, then the question resolves itself into providing the owner of the non-conforming use, who must give way in the public interest, ample procedural and substantive protection so that regulations will be reasonable and insure fair compensation where compensation is appropriate.

Amortization Provisions As A Means Of Eliminating Non-Conforming

Amortization as applied here is used to describe provisions requiring the termination of a non-conforming use within a determined period of time which is long enough to provide the owner with reasonable opportunity to recover his investment or minimize his losses.

An excellent presentation of contemporary judicial thinking is provided in the recent New York case of *Harbison vs. City of Buffalo* where a junk yard was ordered to be discontinued under an ordinance providing a three-year grace period for the termination of cooperation. By a bare majority, 4 to 3, the ordinance was sustained, and the case remanded for a rehearing. Two judges upheld the ordinance as reasonable, provided a factual analysis of the use to which it was to be applied, justified the time period. Among the factors, according to

Judges, to be considered were (1) the size of the investment, (2) the nature of the business or use, (3) the impact of the use on the neighborhood and (4) the availability of other locations and cost of relocating the use. Two other judges joined in upholding the ordinance because presumably it was being applied where the investment in the non-conforming use was not substantial. The two dissenting opinions of the majority left unanswered the question as to whether the four judges would still uphold the ordinance were it applied to a use involving a substantial investment. The three dissenting judges vehemently characterized the amortization concept as a "shibboleth" and declared that the majority dispensed arbitrarily with vested rights substituting "uncertainty" for "stability" in the law of property. Amortization procedures, according to the dissenting justices, provided no adequate standard. The judges condemned eliminating non-conforming uses to slum clearance and charged that owners of non-conforming uses, just like owners of slum property, must be compensated for a taking of property in the public interest.

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The amortization procedure while generally upheld where the period of time for termination is reasonable, nevertheless, has its limitations. It is most applicable where there is only a temporary structure or sign involved, in other words, where the investment is minimal. Where larger investment is involved in permanent type buildings, then the period of permissible use must be longer, if it is to be considered "reasonable". Then the criticism expressed by the writer becomes valid - amortization is not a solution, it is a postponement.³⁸ What happens to the neighborhood plan in the interim?

Enforcement at the end of a long period will certainly be difficult. Also, amortization does not take into consideration the detrimental impact of placing a limited life on a building and thus encouraging a low level of maintenance during the last part of the term of permitted use. An area can in some instances suffer more from a building being allowed to disintegrate by sinking into disrepair than from the existence of a non-conforming use which has been improved so that it becomes an asset to the community.⁴⁰

Further, the impact of a termination date on the property owner must be considered. While the economic impact can be rationalized away by saying that the owner has enjoyed a legal monopoly and that he has amortized out his investment over a period of years, yet the sacrifice imposed by ultimate loss particularly where a building is not suited for conversion to a use which is conforming, cannot be ignored. Courts, however, have upheld such provisions on the ground that the private sacrifice is justified by the benefit to the public good or welfare.⁴¹ Nevertheless, despite the foregoing limitations, amortization procedure employed judiciously is a valuable means for disposing of some non-conforming uses.

Eminent Domain As A Means Of Eliminating Non-Conforming Uses

As noted previously some courts have insisted on compensation to the private property owner as the price of applying zoning regulations retroactively.⁴² The use of eminent domain is expensive and consequently of limited use. Also some authorities consider it difficult to administer.⁴³ Certainly where some properties are taken under eminent domain while others are compelled to terminate under

eminent domain provision, the question must be met as to what justifies the property owner being compensated under eminent domain, while another is forced out, without compensation, under the police power.

While eminent domain is now clearly sustainable where urban renewal is involved (that is, within a designated urban renewal area), only a few jurisdictions have extended it to spot-clearance outside of an urban renewal area.⁴⁴

New Jersey, under Article 8, Section 3, Paragraph 1 of the Constitution, recognizes "clearance, replanning, development or redevelopment of blighted areas as a public purpose and public use, for which private property may be taken or acquired." "Blighted area" is defined under R.S. 40:55-21.1. The sweep of the definition is broadened further by such statutes as R.S. 55:14A-31 which in connection with the establishment and powers of local housing authorities speaks in terms of not only blighted areas but "areas in the process of becoming blighted". Similarly R.S. 55:14A-50 provides for acquisition of property not only in blighted and deteriorated areas but in "deteriorating areas."

While the State Constitution clearly recognizes the use of eminent domain for clearing or redeveloping blighted areas as a public area, there is as yet no New Jersey court decision on the validity of these statutes which extend the power into areas which are "deteriorating" or "in the process of becoming blighted."

The Illinois Supreme Court sustained the use of eminent domain to prevent blight as a legitimate public purpose in *People ex. rel. Schneider v. Chicago*,⁴⁵ holding that the Urban Community Conservation Act of that state was constitutional because it was designed to

arrest deterioration in areas which "are likely to become slum and blighted." The Court said it was "aware of no constitutional principle which paralyzed the power of government to deal with an evil until it has reached the maximum development."

By this reasoning, the road to extending eminent domain in conjunction with a plan of neighborhood improvement beyond redevelopment and rehabilitation into the area of conservation, seems open. This presumes, however, a fairly well-drawn plan of renewal or conservation whose accomplishment is the public purpose to be served. Extending eminent domain to eliminate non-conforming uses where there is no such plan entails fresh legal problems. *Berman vs. Parker*, decided by the U.S. Supreme Court and *Wilson vs. Long Branch*⁴⁶ decided thereafter by the New Jersey Supreme Court both speak in sweeping terms of upholding the power of eminent domain but in both instances, the taking was part of a plan for slum clearance or an urban renewal project in blighted areas and the consummation of the project removing blight constituted a public purpose. Whether the liberal view will carry over into elimination of isolated non-conforming uses remains to be seen. Certainly, as pointed out by the high court of Illinois,⁴⁷ blight prevention is a public purpose too. If so, eliminating non-conforming uses in sound parts of a municipality where they constitute a blighting influence entails a public purpose. But must it be in pursuance of a plan? The existence of a plan of action hardly seems as important where the object is to maintain the status quo, i.e. conservation. A plan becomes of increasing importance as greater change is anticipated.

ated, as in urban renewal, because otherwise there would be no way to determine the relevance to the ultimate scheme of removing the particular use.

William Slayton⁴⁰ has suggested that eminent domain be used on a limited base (so as not to create unnecessary opposition) to buy the non-conforming use feature of a property rather than the entire ownership interest. In other words, the owner would be compensated for giving up the use rather than be paid market value for the title.

Certain difficulties with this suggestion immediately appear. First, there is the great difficulty of evaluating the loss of use as distinguished from the total value of the property. Then, this method only has meaning where the buildings can be converted to some conforming use. Where this is not feasible, there would be little savings to the public as the loss of use would be about equivalent to the cost of the building. However, any provision authorizing eminent domain for the purpose outlined herein should be broad enough to embrace this possibility.

Use of Performance Standards and Conversions

These two suggested procedures are bracketed together because the essential concept is the promulgation of performance standards which would eliminate the more obnoxious features of a non-conforming use. When the willingness to undertake the necessary alterations and changes to conform to these standards, the same principle is involved whether the owner continues the same use or converts to some other non-conforming use. The conversion would be permitted only if it would accomplish the purpose of substituting an activ-

ity or use which is more compatible with the neighborhood and in keeping with the plan of development. Performance standards, while not eliminating the non-conforming use, provide a hopeful means of reducing quickly incompatible qualities without any sizeable expenditure of public funds.

The proposed zoning resolution for the City of New York provides excellent examples of how such performance standards and conversions could operate. ⁴⁹ The resolution spells out standards and tests for manufacturing and commercial uses in terms of noise, vibration, smoke, dust, odor, toxic and noxious matter, radiation hazards, fire and explosive hazards, heat, humidity and glare. ⁵⁰ While these performance standards are not the whole solution, the advantage is that the medicine can be prescribed in accordance with the ailment. Thus the sacrifice demanded of the private owner does not exceed that needed to accomplish the appropriate public purpose.

General Recommendations

State Enabling Legislation

The State Law, R.S. 40:55-48, should be amended to provide alternate means of discouraging, minimizing and eliminating non-conforming uses in keeping with the requirements of due process. Some specific provisions that should be included in accomplishing these objectives are:

- a. The enabling act should authorize adoption of amortization provisions which provide a reasonable time period considering the various types of structures and uses to which they apply. It should authorize provisions permitting the continuation of uses upon conforming with performance standards providing that the use would then enhance rather than impair neighborhood standards and the plan of development. This might be accomplished by expanding R.S. 40:55-39 which provides for special exceptions.
- b. Independently or in conjunction with (a), the statute should authorize the establishment by municipalities of standards for permitting conversions to other uses. Again, this might be accomplished by adapting R.S. 40:55-39 (b).
- c. The statute should permit utilizing eminent domain where necessary to eliminate non-conforming uses more quickly than might otherwise be required under an amortization schedule in order to protect the neighborhood against deterioration or to expedite a plan of development.

d. The statute should authorize the establishment of reasonable provisions to permit alteration or restoration of non-conforming uses where this would enhance rather than impair neighborhood standards and the plan of development.

II. Local Implementation of Programs for Treating Non-Conforming

There must be developed as a condition of implementing the various procedures just outlined relating to non-conforming use, a systematic means of analyzing such uses and providing for means of effecting their elimination or mitigation. Our present administrative facilities are entirely inadequate for this task.

Judging from the experience of granting of variances, it would be dangerous to depend only on finely-worded criteria as the sole means of preventing abuses of a broad enabling act. ⁵¹ As is the case with variances, the successful treatment of the non-conforming use hinges on injecting some professionalization into the administration of the program. There is too much at stake to leave these problems exclusively to the unchecked intuition of lay boards who meet once a month in the evenings after work. This is not to suggest the abandonment of local democratic control but rather that lay boards, if they are to rise to the occasion as a feature of modern zoning administration, must have the benefit of professional spade work. As stated previously, some of these aspects of zoning administration will be explored more thoroughly later as part of the legal study.

There is a dire need for some experimentation with administrative procedures. The following is intended to exemplify at

first one group of possibilities which might be utilized on the municipal level to implement the broad powers authorized by a enabling act containing the provisions outlined under I above.

a. A study should be made first of different kinds of non-conforming uses in order to classify them and develop an amortization schedule which is based solely on the physical nature of the use itself without regard to neighborhood characteristics or existing zoning conditions.

b. Each non-conforming use should be valued, presumptively at true value as established for real property tax purposes, and this value should be related to a base date presumably the date of enactment of the ordinance implementing the program. ⁵² As will be seen as the scheme unfolds, the property-owner taxpayer will not be inclined to seek an unduly low tax assessment because this same figure may become part of the means of measuring his loss under eminent domain.

c. All non-conforming uses should be ordered eliminated by the termination date prescribed in the amortization schedule without compensation unless one of the following circumstances occur:

1. A determination is made that a shorter life (speedier elimination) is essential in order to prevent neighborhood deterioration or accomplish urban renewal whereupon a condemnation award or purchase should be arranged.

2. An order as outlined herein is issued or agreement between municipality and owner is reached permitting either a conversion to some other use or altering the existing use according

to prescribed performance and aesthetic standards so that it becomes compatible with the neighborhood or proposed plan of development.

d. The city should study non-conforming uses area by area as part of its normal planning operation. The analysis of each use should be prepared in much the same manner as real estate appraisals with emphasis on planning features to determine:

1. The investment involved in the use as of the base date.

2. An estimate of the cost or loss to the owner if the non-conforming use was to be discontinued considering the cost of relocating, loss of good will, availability of other locations for this type of use, and adaptability of the premises for other permitted uses.

3. The degree of incompatibility of the existing use with the neighborhood and any plan of development for the neighborhood and whether it is the entire use or particular features which constitute the incompatibility. If it is certain features, then the feasibility and cost of their removal should be explored. For example, smoke abatement, need for landscaping, shielding of disfiguring features, redirection of traffic, provision for parking, etc.

It is evident that the foregoing analysis requires professionalization very much in the same sense as real property tax assessment and the processing of tax appeals requires professional treatment. As property tax mounts, the public has increasingly demanded professionalization of the assessment function to achieve equalization (witness the rise and growing success of revaluation firms.)

at public pressure require comparable treatment for non-conforming uses as a wide-scale rehabilitation program gets underway involving millions of dollars of vested property rights? Undoubtedly one of the major arguments against this type of program will be cost. But an informed administration will more than pay its own way in avoiding unnecessary condemnation, assisting in the enhancement of property values through an intelligent and orderly disposition of non-conforming uses and in the consequent strengthening of the entire zoning scheme.

III. Administration of Program

Finally, in sketching out a program for handling non-conforming uses, attention must be given to assure procedures which comport with the requirements of due process. The zoning officer in charge of conducting the foregoing analysis should, prior to adopting any proposed remedial measures affecting particular uses, provide a time and place for the property owner and neighbors within a prescribed radius to submit further data or testimony. Prior to the hearing, the zoning official's investigation and report should be open to inspection by the property owner and neighbors so that any inaccuracy or difference of opinion can be raised at the hearing. After the hearing, the officer's recommendation should be finalized and sent to the affected property owner. The determination might recommend that nothing be done other than abide by the amortization schedule (which is universally applicable) or that decision as to possible acquisition by eminent domain be withheld until a more ap-

appropriate time or that the property owner consider conversions or improvements to conform to neighborhood standards.

A procedure as outlined herein would accomplish the following purposes:

- a. It would permit adapting the solution to the individual case within a general broad framework established by ordinance.
- b. It would provide maximum opportunity for reaching a consent agreement on the professional administrative level for the elimination of the use or disturbing features of the use without unnecessarily cluttering up the planning board's schedule.
- c. It would provide some general control in keeping with the overall plan of development by a public body to insure against arbitrary action by the zoning officer.
- d. It would afford maximum opportunity to explore all the facts.
- e. It would place a fair share of the responsibility for proving the justification of thrusting any financial burden on the property owner on the zoning officer who must demonstrate that the proposed solution is required to accomplish the plan of development.

The annual review of planning objectives under the ten-year up-dating feature would provide opportunity to keep some check on how the program develops. Such a review would serve as a guide to the zoning officer and planning board or commission in carrying out their respective functions.

CONCLUSION

Broad statutory changes are needed if incompatible land uses are to be eliminated. The administration of the program must provide for fact-finding and adapting the remedy to the specific property conditions.

Essential to the effectiveness of any such program is a zoning administration on variances which is consistent with that suggested for non-conforming uses.

New Jersey law today is overly restrictive in its prohibition against eliminating or curtailing non-conforming uses. Yet it is absurdly liberal permitting use variances "in particular cases and for special reason" under R.S. 40:55-39 (d).

Further study should develop in a test area data to show:

1. The blighting influence of non-conforming uses
2. The types of non-conforming uses
3. A method of factual analysis of the non-conforming use
4. How the analysis could be applied under suitable laws

to provide solutions commensurate with the facts.

Such a study supplemented with a proposal for legislative consideration would provide the skeletal outline of a means for handling the vexing problem of non-conforming uses. Without such means, a ten-year program, particularly as applied to rehabilitation and conservation, could hardly anticipate maximum effectiveness.

CHAPTER VI - AESTHETIC AND ARCHITECTURAL CONSIDERATIONS

A number of important features not elsewhere considered in the Second Interim Report have been developed in this chapter. These relate to the elements of beauty, harmony and visual satisfaction that an urban renewal program should consciously fashion into residential neighborhoods. Under this concept, the following programs are presented:

An aesthetic evaluation survey

The use of vacant land

Unnecessary street areas

Control of neighborhood traffic (traffic diverters)

Neighborhood anchor features.

Aesthetic Evaluation Survey

It has been the intent of this phase of the Demonstration Project to develop a set of aesthetic criteria and score each block front in Newark against these standards, with two purposes: first, to aid in the selection and delineation of clearance, rehabilitation and conservation areas and secondly, to make available methods and techniques for adaptation by other cities engaged in urban renewal programs.

In the First Interim Report, the structure for a detailed analysis of an environmental and aesthetic survey of Newark was presented. In it were incorporated a classification, description

scoring system for more than 30 elements which may affect the visible appreciation of a residential city block. Subsequently, a scoring sheet for the use of field surveyors was developed. This included space for the identification of street frontage, tabulation of all factors affecting visible appreciation, rating spread for each factor, space for classification total, etc. A sample of this scoring sheet is attached as appendix "AC-1". For example, Hunterdon Street between West Runyon and Hawthorne is scored here, No. 1 referring to the left side of the street and No. 2 to the right. The score for each block front is obtained by dividing the frontage "total" by 36, the number of items evaluated. Under this method, the lower the score, the more visually pleasing is the block.

Maps of the city were provided and areas, where rehabilitation was definitely recognizable as an antidote to continued blight, were marked off for investigation. It was felt that a thorough investigation, block by block, should be carried out only in certain neighborhoods; and an attempt at "spot" analysis be devised for analyzing other areas.

The team of field surveyors was secured from among architecturally trained, technical personnel and graduate students. A training conference was held to initiate the team and direct its application to the results desired.

a. The Pilot Study and Suggested Changes

In order to test the validity of the scoring system, the ability of the surveyors to quickly and effectively grade each factor and the time it takes to do so, a pilot study was undertaken.

This involved the scoring of a relatively small number of blocks but it proved to be an excellent guide to the effectiveness of the original procedure and the improvement of its weaker features.

For it soon became apparent that an aesthetic evaluation would be difficult principally because it is based heavily on subjective reactions to visible elements. The number of such factors, confounded by elements of transitory influence (such as traffic, parking, and schedules for street cleaning) seemed to imply difficulty. In the categories of non-conforming uses and mixed uses, it appeared that since these factors were being adequately reported upon elsewhere, their influence in the aesthetic evaluation should be scored purely with relation to the aesthetic impact and not on the basis of number of violations. It seemed that even the non-conforming use, if designed and styled to conform to the architectural character of the street, should not merit a penalty score.

The primary efforts of the surveyors were not as productive as had been hoped for. The confusion, which usually attends the first stages of experimental processes, was present here. The basis for evaluation still seemed to vary between individual field surveyors; and too frequent reference was being made to the paragraphs in the First Interim Report which described the scoring of factors. It took forty-five minutes to evaluate the two street frontages of a single block. Manifestly, the reception of visual impression was too slow; the evaluation method perhaps too detailed.

The survey was halted. The architectural consultant, who directed this study, made several personal scorings to check the time involved, and held additional conferences to counsel the surveyors. Instruction sheets for grading were developed, which listed

in concise language the usual violations or conditions which would suggest specific penalty grades. (Appendix AC-2) This enabled rapid reference and evaluation. With this at hand, forty blocks were graded.

What did the results of the pilot survey demonstrate? Was the method of scoring capable of producing the information desired; did it successfully develop a suitable base for comparing blocks or neighborhoods? Was it a fast enough method of evaluation? Were any changes indicated? Is it of true value in a study of urban renewal?

It was now evident that despite the subjective coloration of an aesthetic survey, trained analysts could score streets, blocks or neighborhoods rather effectively. From an optimum condition of pleasant aesthetic appearance, which rated a net score of .36, to an average condition rating a score of 1.97 or a highly penalized visual impact of 2.81, the recording of comparisons between areas now became possible. True, the early investigations were painfully long in time; but as the survey progressed, the time spent per street declined. This apparently was due to the issuance of the Instruction Sheet (Appendix "AC-2") which adds some objective guides to scoring and an increase of experience in the application of the method.

However, the tabulation of influencing factors is too long, and complicated. Some factors can be combined and others omitted without seriously affecting the end result desired, but certainly shortening the time involved in evaluation. For instance, the element of plan (line 1) may be omitted, particularly in our city. Even in completely residential areas, where winding streets are

expected, this condition enhances, rather than detracts, from the visual appreciation. "Lighting" (line 4), and "Utility Poles" (line 7) may be grouped together. "Street Parking" (line 11) and "Off Street Parking" (line 12) can be combined.

In the section under Land Use and Zoning, "Non-conforming Use" (line 13) and "Mixed Uses" (line 14) may be merged and judged solely on the basis of adherence to environmental design influence; for the number of such variances or violations of a zoning ordinance are being tabulated elsewhere. The scoring of "Land Coverage" (line 18) should be simplified to reflect possibly the amount of space between buildings on a street frontage. In this instance, it is most difficult for the surveyor to become so cognizant of plot sizes and percentages of coverage allowed, that the process of decision becomes very confused.

Under the section covering Building Conditions, the evaluation of "Individual Design" (line 26) may be considered for omission because it involves too detailed an evaluation. But, most of the surveyors agree that a street of well designed structures is immediately discernible as better than a street lined with "carpenter gothic" buildings. Somehow it is felt that this factor cannot be successfully included in "Environmental Design", for a row of "carpenter gothic" houses, for instance, merits a low or satisfactory score because these designs do belong together. Perhaps "Environmental Color Harmony" (line 30) may be included with "Environmental Design."

The Property Conditions section can be thinned out by combining "Landscaping Extent" (line 32) with "Landscaping Conditions".

line 33) and "Walks, Paths and Roads" (line 34).

Also, "Private Parking" (line 36) may be omitted here, but taken into account under "Street and Off-Street Parking" (lines 11 and 12, combined).

b. Conclusion

It is apparent that the pilot study pointed to a number of very useful revisions that had to be made in order to develop an effective aesthetic survey. In the first place, it was necessary to spell out specific conditions (sometimes defined quantitatively) in order to achieve ease and objectivity of scoring. Each field surveyor had to familiarize himself with the scoring Instruction Sheet (Appendix AC-2) and use it for guidance. It should be noted that while these instructions did not eliminate the element of subjectivity in scoring visual impressions, it kept the factor down to a minimum. Secondly, it became clear that the number of items to be scored (26) was not only too large but sometimes overlapping so that by combining like items it was possible to bring the total down to 17 (See Appendix AC-3). However, there seems to be room for still further consolidation and even elimination of some items but this would have to be done by balancing the needs for ease and speed of scoring against the degree of validity that is desired in the rating system.

In any event, an aesthetic survey of Newark (and of other cities) is feasible and desirable as part of a ten-year urban renewal program. The first impression of neighborhood value and desirability is through visual senses and an aesthetic evaluation can help determine where attention should be focused. It will

also indicate areas where standard applications of design improvements can be most fruitfully initiated and point to the specific kinds of treatments that are necessary.

Use of Vacant Land

The parklands of our city are described elsewhere; and it is obvious that several vacuums exist. While the few larger parks contain recreational facilities which can attract energetic young people or family groups, the time and transportation required to reach these areas often discourages use. Moreover, the very size of the larger parkland areas (and budget limitations) mitigate against sufficient supervisory surveillance. (In fact, as a result of recent unpleasant occurrences, police are known to discourage visits by mothers and young children from certain areas of these facilities.) As a result, (and for other reasons, to be sure), young people adopt the street as a challenging but dangerous substitute for playground and park. Invariably the activities which develop create conditions which tend to lower neighborhood values. Elderly people who live in apartments complain of the lack of local facilities for simply sitting, sunning and talking. Travel to the city's parklands is often impossible for them. What seems to be lacking are sufficient, small, local recreational play areas.

In quite a number of streets there are to be found vacant lands in the form of lots 25 to 50 feet wide by 100 feet deep. Peculiarly, our society neglects even the temporary employment of these lots for the enhancement of neighborhoods; and whether by

design or by disinterested negligence, these lands become the illegal repository of all manner of junk and debris. The influence of these spots is felt throughout the area, increasing lack of respect for property, decreasing street cleanliness, often providing a source of physical danger to youngsters. Given even the salutary blessing of strict sanitation enforcement, these lots can increase the visual pleasantness of the street. Further developed, at minimal cost, for the use and enjoyment of the neighborhood, these lands may do several things at once:

1. Remove dangerous, unsanitary, and unsightly conditions.
2. Provide a protected neighborhood recreational area for young people, off the streets.
3. Provide neighborhood outdoor oases for mothers and small tots.
4. Provide needed outdoor facilities for use by elderly people who enjoy sitting, reading, and talking.
5. Increase neighborhood sociability through a commonly enjoyed facility.
6. Increase pride and enjoyment of a neighborhood, thus helping to stabilize the area and reduce the number of transient inhabitants.

Studies, in plan form, have been made of possible treatment of typical vacant lots to secure interesting, inviting areas for use by neighborhood folk. Illustrated in Appendix "AC-4", "AC-5" and "AC-6" are passive recreational development and mildly active recreational facilities. Land would be graded level, covered with sod or grass where so indicated, and provided with planting areas outlined in redwood timbers. Benches and tables would be installed.

Sand lots, grass plots, trees, shrubs, all simple devices which would invite frequent use are indicated. While awnings or umbrellas are delightful, gay additions, these could be considered only if constructed of strong materials so fixed as not to be removable. For more active recreation, such as basketball practice and other games, back-stops and posts for nets are suggested. Fences and planting to segregate the activities from adjoining properties are advisable.

Unnecessary Street Areas

In the course of developing neighborhood renewal or rehabilitation projects, some street areas might become unnecessary for the flow of traffic. These publicly owned areas suggest development for communal use as passive, recreational facilities, or as parking areas, enhancing the desirability of neighboring shopping facilities, etc.

Certain devices to effect these proposals suggest themselves, but most suffer from objections from the fire department, which prefers to retain every mode of access to every area, in the manner in which it has been accustomed to travel. In the attached Appendix Sheets "AC-7" and "AC-8" are illustrated two proposed developments for these street areas. The parking facility illustrates access retained for fire vehicles. The pedestrian-shopper resting place illustrates a street closure over which the fire vehicles cannot traverse.

The parking facility is contemplated for the end of a street closed to prevent thru traffic, from or to a main artery. Potted

...help to establish immediate recognition of "no thoroughfare"
...to mask the parking area slightly.

The resting plaza would seem to provide a welcome and pleasant
...for shoppers as well as for the neighborhood. (Who doesn't
...to sit and watch the passing parade? Would that we could
...the sidewalk cafes of European cities!) This project in-
...creating culverts for street drainage, filling in the street
...grade equal to that of the sidewalks, establishment of plant
...shrub areas in several interesting patterns, providing benches,
...To create an illusion of maximum width, some planting areas
...proposed against adjacent buildings where store windows or
...ways are not located. Low landscape lights and residential
...pole supported lanterns can be so located as to lend a most
...biting aspect to these plazas at night.

Control of Neighborhood Traffic (Traffic Diverters)

Several neighborhoods have become less desirable than here-
...as safe, reasonably quiet areas of residential abode because
...an increased flow of traffic. Many streets have been "discovered"
...motorists to be good short-cuts or thruways to neighborhood
...business districts, and the resulting activity, noise, and danger
...developed a less substantial and more transient population
...this area. This has had corollary deteriorating influences
...in disinterest in maintenance and repair of structures,

To combat this influence, a study has been set in motion to de-
...effective, yet aesthetically pleasing, devices for the diverting

tures opposite the park are public, ecclesiastical or commemorative in nature.

Where a school adjoins two or three streets, study may show that one street may be closed to permit development of a plaza in front of or adjacent to the school. Certainly this will add beauty, repose, a resting place, and a safe assembly area for children. The use of temporary barricades which announce "Closed--School Street" cannot provide these facilities or benefits adequate.

Where vacant lots adjoin anchor features, they should not lightly be offered up for public sale, but rather kept for possible public use. The city suffers from land starvation around its schools and public buildings.

If important structures of public interest are situated on the same city block, facing different streets but having common land between them on the interior of the block, access to the interior land from the street frontages should be created, and the interior space then developed as a pedestrian mall, landscaped, and provided with seating, statuary, etc.

The principle of gridiron planning which stamped out the mechanical visage of our cities should be amended, embellished, and ened, so that vistas and new visual terminal points may arise to arrest and please the senses. Too often neighborhood parks have been dropped into the gridiron plan, with all arteries obstructed by unimaginative walls of fenced foliage. It seems as though some distinction could be created by providing entries of commemorative importance to the parklands as terminations opposite the street axis. Semi-circular forms which bid the citizen welcome, or cul-

W-sacs of sufficient size to allow parking of automobiles, would contribute functionally and visually to the enjoyment of the city.

The traffic circle does not always impede the flow of vehicular transportation; it sometimes serves well to separate and direct, as well as it slows down the occasional speeder. "Hayes Circle" should have been an actual circle, adorned with greenery, statuary, or perhaps a fountain. It is not difficult to imagine the area around the circle as a delightful address of handsome apartment buildings complete with the auxiliary amenities of churches, attractive eating places, a small, well designed shopping complex, etc. The barren concrete conflux which accepts the several traffic tributaries intersecting here, has only influenced the growth of used car lots, parking houses, mediocre commercial structures, the disappearance of trees, and the insult of unimaginative traffic barricades.

We need space to excite the senses! We need to be able to stand off and see the world we live in! As this study proceeds, we shall attempt to develop case solutions in actual locations, intending to propose the space necessary for the fulfillment of the human need for social communication and reflection, spaces including and using existing "anchor" features which will invite use and rest and enjoyment.

APPENDIX TABLE I

ESTIMATED DISTRIBUTION OF THE HOUSEHOLD POPULATION OF NEWARK
BY RACE AND ETHNIC GROUP, 1950 AND 1958

NEIGHBORHOOD	TOTAL POPULATION		WHITE		NON-WHITE		PUERTO RICAN
	1950 CENSUS	1958 SURVEY	1950 CENSUS	1958 SURVEY	1950 CENSUS	1958 SURVEY	1958 SURVEY
THE BROAD STREET	12,500	12,300	10,500	2,600	2,700	7,100	1,000
THE BUS- SIST.	12,500	12,300	7,000	2,600	3,400	5,700	4,000
THE HILL	33,400	41,100	28,000	23,000	2,700	17,000	100
THE WARD	62,600	65,800	59,300	35,800	5,500	28,400	1,800
THE WARD	66,700	65,800	24,400	10,200	41,000	55,300	1,200
THE - STREET	54,200	49,400	52,300	38,400	1,400	7,100	1,000
THE NEWARK	45,900	41,100	38,400	30,700	5,500	9,900	900
THE HILL	29,200	24,700	27,900	23,000	1,400	4,300	--
THE HUND	50,100	45,300	48,800	38,400	4,100	7,100	2,800
THE HILL- LAKE	20,900	20,600	20,900	17,900	700	--	--
THE HURG	29,200	32,900	31,400	33,200	--	--	--
THE CITY	417,200	411,300	348,900	255,800	68,400	141,900	12,800

THE TOTAL POPULATION OF NEWARK IN 1950 WAS 438,776 WHILE
POPULATION IN HOUSEHOLDS (SHOWN ABOVE) WAS 417,172. SINCE THE
POPULATION AND THE WHITE, NON-WHITE AND PUERTO RICAN POPULA-
OF EACH NEIGHBORHOOD WERE COMPUTED FROM PERCENTAGES AGAINST RESPEC-
CITY WIDE TOTALS, THE RACIAL COMPOSITION OF EACH NEIGHBORHOOD
DO NOT NECESSARILY ADD TO THE TOTAL POPULATION FOR EACH NEIGHBORHOOD.

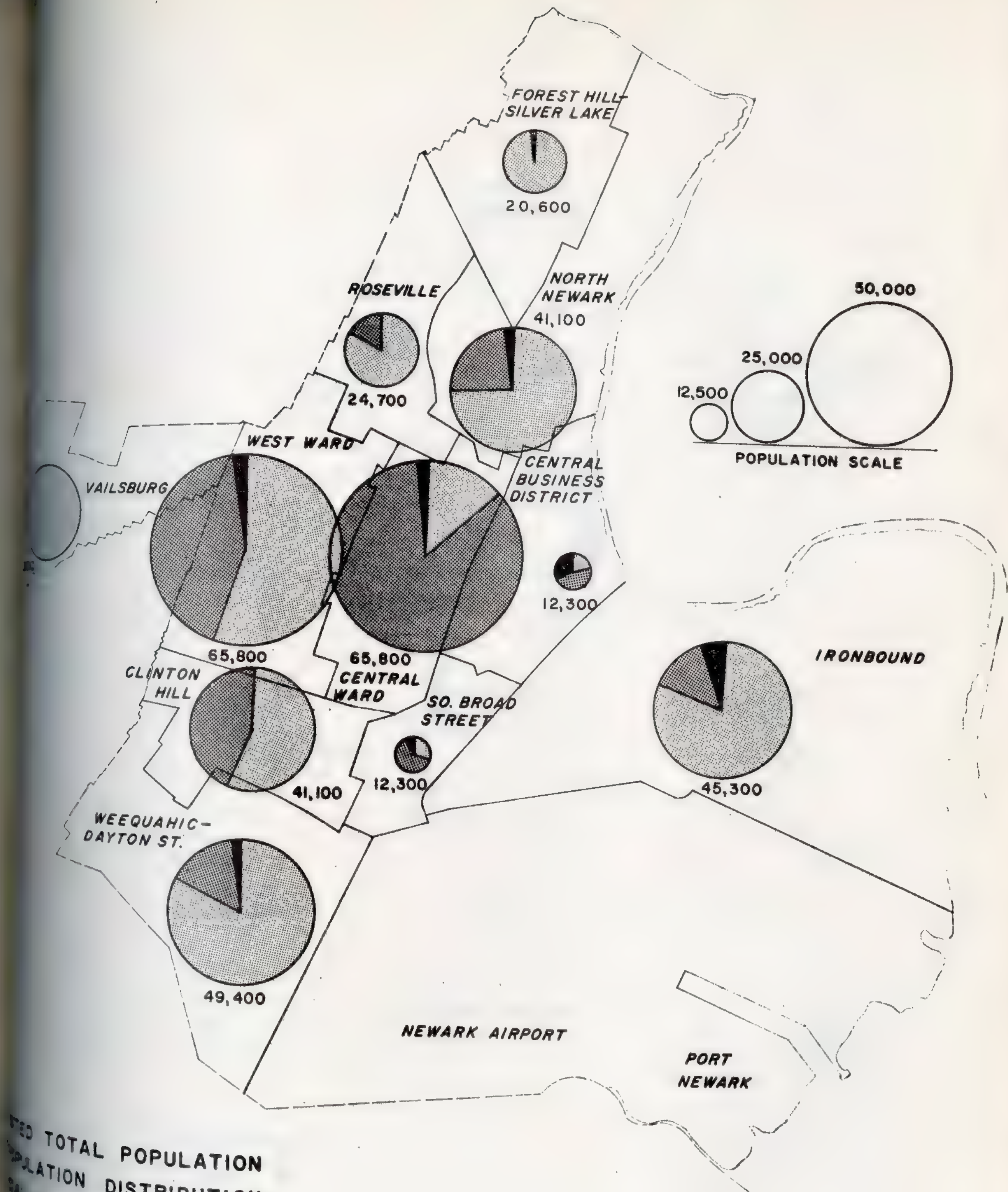
NEWARK - A CITY IN TRANSITION; MARKET PLANNING CORPORATION
CENTRAL PLANNING BOARD.

APPENDIX TABLE II

DISTRIBUTION OF HOUSEHOLDS BY INCOME GROUPS IN NEWARK 1949 AND 1958

INCOME GROUP	PERCENT OF TOTAL HOUSEHOLDS	
	1949	1958
LESS THAN \$1,000	12.9	1.8
\$1,000 - 2,499	22.5	11.0
\$2,500 - 3,999	28.1	26.0
\$4,000 - 5,999	16.6	36.1
\$6,000 - 9,999	7.3	14.6
\$10,000 AND OVER	1.7	3.7
NOT REPORTED	10.8	6.8
MEDIAN (IN CURRENT DOLLARS)	\$2,961	\$4,375
MEDIAN (IN 1958 DOLLARS)	\$3,536	\$4,375

SOURCE: THE 1949 DATA ARE FROM THE CENSUS OF 1950 SHOWING DISTRIBUTION OF THE INCOME OF "FAMILIES AND UNRELATED INDIVIDUALS." THE 1958 DISTRIBUTION IS FROM THE SAMPLE OF HOUSEHOLDS (INCLUDING ONE-PERSON HOUSEHOLDS) DEVELOPED IN NEWARK - A CITY IN TRANSITION, VOL. I BY THE MARKET PLANNING CORPORATION.

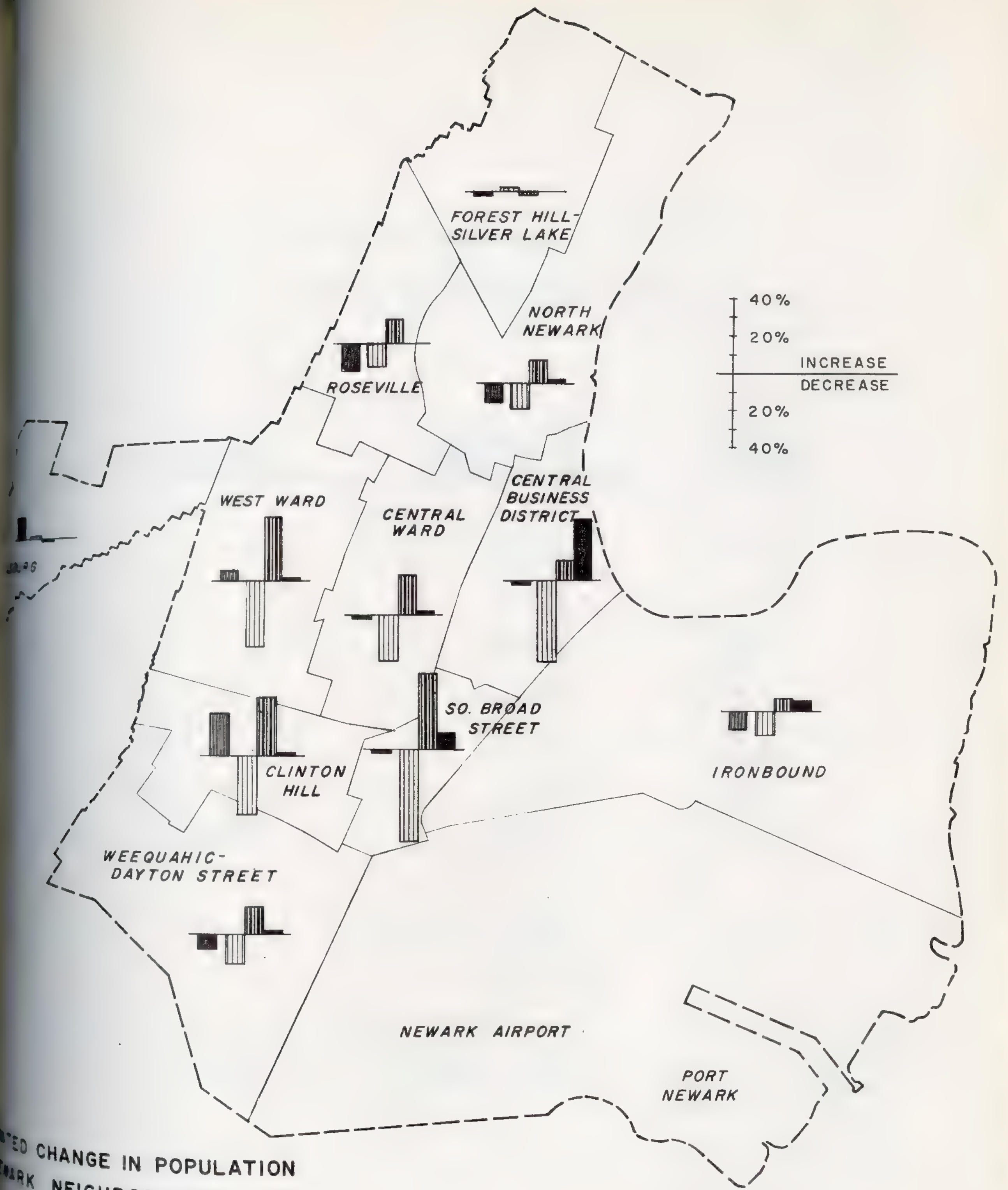


TOTAL POPULATION
 POPULATION DISTRIBUTION
 RACIAL GROUPS FOR NEWARK
 NEIGHBORHOODS, 1958

WHITE
 NON-WHITE
 PUERTO RICAN
 NEWARK CENTRAL PLANNING CORPORATION
 NEWARK CENTRAL PLANNING BOARD.

URBAN RENEWAL - NEWARK, NEW JERSEY

OCTOBER 1959
 NEWARK CENTRAL PLANNING BOARD
 A DEMONSTRATION GRANT PROJECT



ESTIMATED CHANGE IN POPULATION
NEWARK NEIGHBORHOODS BY
RACE GROUPS, 1950 AND 1958

URBAN RENEWAL - NEWARK, NEW JERSEY

OCTOBER 1959
NEWARK CENTRAL PLANNING BOARD
A DEMONSTRATION GRANT PROJECT

NEWARK MARKET PLANNING CORPORATION
NEWARK CENTRAL PLANNING BOARD.

APPENDIX TABLE III
 TYPES OF DWELLINGS IN NEWARK, 1950

TYPE OF STRUCTURE	NUMBER OF DWELLING UNITS	PERCENT OF TOTAL
1 FAMILY	16,895	13.6
2 FAMILY	24,534	19.7
3-4 FAMILY	38,422	30.9
5-9 FAMILY	24,218	19.4
10-19 FAMILY	9,915	8.0
20-49 FAMILY	7,073	5.7
50 FAMILY OR MORE	3,341	2.7
TOTAL	124,398	100.0

SOURCE: U. S. CENSUS OF HOUSING, 1950

APPENDIX TABLE IV

DWELLING UNITS FOR WHICH BUILDING PERMITS WERE ISSUED AND
NUMBER OF DWELLING UNITS DEMOLISHED, 1947-JULY, 1959

DWELLING UNITS BY TYPE OF STRUCTURE

YEAR	1 FAMILY	2-4 FAMILY	5-9 FAMILY	10 FAMILY OR MORE	TOTAL DWELLING UNITS	DWELLING UNIT DEMOLITIONS
1947	28	136	49	27	240	71
1948	19	189	0	189	397	114
1949	36	18	0	741	795	232
1950	46	66	9	172	293	281
1951	54	38	0	2,608	2,700	300
1952	51	45	0	2,715	2,811	184
1953	36	41	0	0	77	675
1954	23	32	0	1,567	1,622	374
1955	29	57	0	0	86	234
1956	28	69	0	0	97	219
1957	33	94	0	0	127	562
1958	37	127	12	660	836	806
1959 (JAN - JULY)	26	44	7	1,320	1,397	65
TOTAL	446	956	77	9,999	11,478	4,117

DWELLING UNIT CONSTRUCTION 1947 THROUGH JULY, 1959:

PUBLIC 5,880
PRIVATE 5,598

SOURCE: NEWARK DEPARTMENT OF HEALTH AND WELFARE, DIVISION
OF INSPECTIONS.

APPENDIX TABLE V

EMPLOYMENT IN NEWARK BY MAJOR INDUSTRY GROUP SEPTEMBER OF SELECTED YEARS, 1947 - 1957

	1947	1949	1951	1953	1955	1957
MANUFACTURING	93,460	86,593	96,933	98,127	87,610	88,251
RETAIL AND WHOLESALE TRADE	44,523	43,468	43,771	43,836	45,327	48,058
TRANSPORTATION	9,068	10,055	11,347	10,917	10,241	10,763
EDUCATION AND RECREATION	10,136	9,161	9,354	10,635	10,253	10,531
FINANCIAL	14,106	14,601	15,490	16,753	16,854	18,805
HEALTH, INSURANCE AND REAL ESTATE	24,144	24,859	22,958	23,012	23,268	24,446
CONSTRUCTION	7,035	6,122	7,504	6,112	5,335	6,245
	202,472	194,859	207,357	209,392	198,888	207,099

DATA ARE FOR WORKERS COVERED BY UNEMPLOYMENT INSURANCE, AND EXCLUDE
EMPLOYED IN FIRMS WITH LESS THAN FOUR WORKERS, IN NON-PROFIT
ORGANIZATIONS, AND IN GOVERNMENT.

SOURCE: NEW JERSEY DEPARTMENT OF LABOR AND INDUSTRY

APPENDIX TABLE VI

NON-RESIDENTIAL STRUCTURES FOR WHICH BUILDING PERMITS
WERE ISSUED IN NEWARK, 1947-- JULY, 1959

YEAR	STORE AND MERCANTILE	OFFICE BUILDINGS	GARAGES & SERVICE STATIONS	INDUSTRIAL BUILDINGS*	TOTAL STRUCTURES	ESTIMATED COST (ADJ. 1959)
1947	74	8	136	20	238	\$ 2,100,000
1948	92	17	123	24	256	2,100,000
1949	57	7	101	23	188	2,100,000
1950	62	9	101	25	197	10,000,000
1951	69	10	85	29	193	10,000,000
1952	54	8	111	17	190	10,000,000
1953	64	10	71	15	160	10,000,000
1954	49	12	71	9	141	10,000,000
1955	51	8	65	17	141	10,000,000
1956	32	10	40	8	90	10,000,000
1957	44	21	42	5	112	10,000,000
1958	29	6	42	8	85	10,000,000
1959 (JAN - July)	19	7	17	5	48	10,000,000
TOTAL	696	133	1,005	205	2,039	\$ 107,000,000

*INCLUDES FACTORIES, PUBLIC WORKS AND UTILITY BUILDINGS AND INCINERATORS

SOURCE: NEWARK DEPARTMENT OF HEALTH AND WELFARE, DIVISION OF INSPECTION

APPENDIX TABLE VII

NUMBER AND VALUE OF INDUSTRIAL STRUCTURES, NEWARK, 1957

TYPE OF STRUCTURE	NUMBER	ACRES	LAND VALUE (IN MILLIONS OF DOLLARS)	BUILDING VALUE	TOTAL VALUE
WAREHOUSE	75	83	\$1.99	\$6.19	\$8.18
HEAVY INDUSTRIAL	5,095	1,444	27.79	100.53	128.32
LIGHT INDUSTRIAL	2,069	813	20.59	110.46	131.05
DOCKS AND WHARVES	7	142	3.60	2.97	6.57
OTHER	22	2	.03	.04	.07
TOTAL	7,268	2,484	\$54.00	\$220.19	\$274.19

SOURCE: REAL PROPERTY APPRAISAL FOR DEPARTMENT OF REVENUE,
CITY OF NEWARK

FOOTNOTES TO CHAPTER V

1. Ranney v. Istituto Pontificio Delle Maestre Fillippini, 11 N.J. 189, 196, 119 A. 2d 142, 145 (1955); Anderson, The Nonconforming Use- A Product of Euclidean Zoning, 10 Syracuse Law Rev. 214 (1950); 1 Yokely, Zoning Law and Practice 362 (1953); Norton, Elimination of Incompatible Uses and Structures, 20 Law & Contemp. Prob. 305 (1955); Amortization and Performance of Standards in Zoning Regulations: Study of Existing Nonconforming Uses in an Indiana Community, 30 Ind. L.J. 521, 523, (1955); Walker, The Planning Function in Urban Government, (2nd Ed. 1950), p. 59; Report of the Urban Renewal Study Board to Mayor Thomas Alesandro, Jr. at 3 (Sept. 1956),; Siegel & Brooks, Slum Prevention Through Conservation & Rehabilitation, p. 28. Further discussion of the ravages of a too liberal policy on granting variances will be contained in a later paper.

2. As of 1952, there were at least eight other states with comparable provisions in their statutes. See 44 Corn. L.Q. 450, 451 Note 8, (1959); 35 Va. L.Rev. 348, 354 (1949). According to the analysis prepared by the Housing and Home Finance Agency as of Oct. 31, 1952 entitled Comparative Digest of Municipal and County Enabling Statutes, fourteen other states have express statutory provisions similar to N.J.

3. United Advertising Corp. v. Borough of Raritan, 11 N.J. 144, 119 A. 2d 362 (1952).

4. Scavone V. Totowa, 49 N.J. Super. 423, 140 A. 2d 238 (App. Div. 1958).

5. Scavone v. Totowa, supra at 427, 428, 140 A. 2d at 240, 241.

6. Ranney v. Istituto Pontificio Delle Maestre Fillippini, supra, note 1 at 196 and 200; Dolan v. Decapua, 16 N.J. 599, 111, 109A. 2d 615, 621 (1954); Speakman v. Mayor and Council of Borough of North Plainfield, 8 N.J. 250, 257, 84 A 2d 715 (1951).

7. See Metzenbaum, The Law of Zoning, (1930) 288 where this classic fallacy reached full flower. N.J. remnants can be found in Rockleigh Borough v. Astral Industries, 29 N.J. Super. 154, 160, 102 A 2d. 84, 88 (App. Div. 1953); Hay v. Board of Adjustments of Borough of Fort Lee, 37 N.J. Super 161, 464, 117 A. 2d. 650-651-652, (App. Div. 1955).

8. Zoning, New York City, Vorhees, Walker, Smith & Smith at 288 (August, 1958); Nonconforming Uses: A Rationale and an Approach, 102. U. Pa. L. Rev. 91, 96 (1953); Amortization of Property Uses Not Conforming to Zoning Regulations, U. Chi. L. Rev. 477, 479 (1942); Norton, *supra* note 1, at 308; Anderson, *supra* note 1, at 215.
9. State v. Accera, 36 N.J. Super. 420, 116 A. 2d 203 (App. Div. 1955).
10. H. Behlen & Bros. v. Mayor and Council of Town of Kearny, 31 N.J. Super. 30, 105 A 2d 894 (1954)
11. D'Agostino v. Jaguar Realty Co., 22 N.J. Super. 74, 91A. 2d 500 (Ch. Div. 1952).
12. H. Behlen & Bros. v. Mayor and Council of Town of Kearny *supra* note 10.
13. Ranney v. Istituto Pontificio Delle Maestre Fillippini, *supra*, note 1, at 195; Mt. Zion Baptist Church of Lodi Tp. v. Melillo, 3 N.J. 61, 66, 68 A. 2d. 741, 743, (1949) quoting from Vreeland v. Erie R. Co., 83 A. 384 (Ch. 1912). Also see Frank J. Durkin Lumber Co. v. Fitzsimmons, 106 N.J.L. 183, 189, 147 A 555, 557-558 (E&A 1929) where the further argument against retroactivity might be developed that constitutional provisions like statutes must be presumed to operate prospectively and not retroactively unless express provision is made to the contrary. Thus, it might be contended prospective not retroactive zoning is the limit of the constitutional grant on which an enabling act can be based.
14. See H. Curtis Meanor, Zoning under the Constitution of 1947, Review Prognostication, and Legislative Proposals, Rutgers L. Rev. (Summer 1955) 697 at 709 who believes that limitation is statutory and not constitutional and further that Supreme Court would "welcome" an amendment.
15. E.g. See City of Los Angeles v. Gage, 127 Cal. App. 2d 442, 274 P. 2d 34 (1954); Standard Oil Co. v. City of Tallahassee, 183 F. 2d 410, (5 Cir. 1950) cert. denied, 340 U.S. 892 (1950); Kosich v. Poultrymen's Service Corp. 136 N.J. Eq. 571, 43A 2d 15 (Ch. 1945), Cited with approval in Kozesnik v. Montgomery Tp., 24 N.J. 154, 176, 131 A. 2d 1, 13 (1957).
16. N.J. Const. Art. 4, Sec. 7, Para. 11.
17. Meanor, Proposed Revision of N.J. Municipal Zoning Enabling Act 14, 15 (June 22, 1954).
18. County and Municipal Law Revision Commission established pursuant to Chapter 231, Laws of 1956 of the State of New Jersey.

10. See cases cited note 15 supra; also cases cited note 12 infra.
11. Heagen v. Borough of Allendale, 42 N.J. Super. 472, 127 A. 2d 181 (App. Div. 1956); Rockleigh Borough v. Astral Industries, supra note 7, at 160, 102 A 2d at 88, with further cases cited therein.
12. Newark policy on nonconforming uses contained in Chapter 36, Section 36.15, Appendix to the Revised Ordinances of the City of Newark, New Jersey (1951).
13. Heagen v. Borough of Allendale, supra note 20 and cases cited therein, at 481. Generally if there is no substantial change, in use, alteration will be permitted without a variance (at 482) but where there is a question as to whether a change is substantial or not, doubt should be resolved against the extension of the nonconforming use without meeting requirements for a variance, Martin v. Cestone, 33 N.J. Super. 267, 271, 110 A 2d 54, 56, 57 (App. Div. 1954). Proposed expansion involved in Heagen case was again rejected by the courts after a variance was sought and obtained because the "special reasons" required under R.S. 40:55-39 (d) were not shown to exist. Vocco v. Job. 56 N.J. Super. 468, 153 A. 2d 723 (App. Div. 1959).
14. Hay v. Board of Adjustment of Borough of Fort Lee, Supra note 7, at 465, 117 A 2d at 652 (App. Div. 1955).
15. R.S. 40:55-48 but see note 10 supra and discussion in text.
16. c.f. Heagen v. Borough of Allendale, supra note 20, at 481, although the precise question has not yet been determined to the knowledge of the author. This could be substantially accomplished by using the special exception provision of R.S. 40:55-39 (b) and writing sufficient standards into the ordinance.
17. State v. Acera, supra note 9, and see discussion in text.
18. This type of provision has been generally rejected as identity of ownership is irrelevant to the right to maintain a nonconforming use. See O'Connor vs. Moscow, 69 Idaho, 37, 202 P. 2d 401 (1949) where such a provision was declared unconstitutional.
19. See Scavone v. Totowa, supra note 4 and discussion in the text.
20. Generally this is not sustained. See Willis, The Elimination of Nonconforming Uses, 1951 Wis. L. Rev. 685 citing Attorney General's Opinion of the State of Wisconsin, 20 Ops.

Wis. Atty. Gen. 751 (1931). Municipal services must be extended on a nondiscriminatory basis, *Ecloss Co., Inc. v. Parsippany-Troy Hills Tp.* 55 N.J. Super. 552, 151 A. 2d 385 (App. Div. 1959) which would probably preclude withholding of services to one user because of dissatisfaction with an otherwise legal use.

30. See citations and discussion in text at p. 13 *infra*. The interrelationship of eminent domain and zoning is coming into greater recognition. Stickel *Zoning and Planning*, NIMLO Municipal Law Review, (1958) at 362, while in a different context, recognizes the relationship. An example of the use of eminent domain expressly for eliminating nonconforming uses is contained in Ord. No. 339-E of Detroit, Michigan of 1949 where the governing body can authorize acquisition of the property upon the recommendation of the Planning Commission. The Michigan Enabling Act is Mich. Stat. Ann. C. 54, Sec. 5.2933 (1) (1958). Minnesota also permits removal of nonconforming uses by eminent domain, Minn. Stat. Ann. Sec. 462.13 (1947); also Ill. Ann. Stat. C.24, Sec. 73-11 (Cum. Supp. 1948). It has been recommended by the New York State Department of Commerce, *Zoning in New York State* (1958) at 135. Recognition of the propriety of using eminent domain in eliminating nonconforming uses was upheld by the Court of Appeals of Maryland in *Grant v. Mayor and City Council of Baltimore*, 212 Md. 301, 129 A. 2d 363 (1957) although the court recognized three limitations (1) that the elimination be for a public purpose, (2) the high cost of reimbursing property owners and (3) the complexities of the administrative procedure which it entails. Bassett in *Zoning* 2nd Ed. (1940) characterizes this use of eminent domain as "clumsy and ineffective" at 27.

31. *Kosich v. Poultrymen's Service Corp.* *supra* note 15.

32. Stickel, *Zoning and Planning* NIMLO, 442 (1959 Ed.), Crollly and Norton, *Termination of Nonconforming Uses*, 62 *Zoning Bull.* 1, (1952); Note, 33 Mich. L. Rev. 762 (1955); Note, 8 Ala. L. Rev. 124 (1955); Riffle, *The Elimination of the Nonconforming Use in California*, 8 *Hastings L.J.* 64 (1956); *City of Los Angeles v. Gage*, *supra* note 15; *Grant v. Mayor and Council of Baltimore*, *supra* note 30; *Standard Oil Co. v. City of Tallahassee*, *supra* note 15; *Livingston Rock & Gravel Co. v. County of Los Angeles*, 43 Cal. 2d 121, 272 P. 2d 4 (1954); *Spurgeon v. Board of Comr's. of Shawnee County*, 181 Kan. 1008, 317 P. 2d, 798 (1957); *James v. City of Greenville*, 227 S.C. 565, 88 S.E. 2d 661 (1955).

33. For a scathing denunciation of amortization, see the dissent in *Harbison v. City of Buffalo*, 4 N.Y. 2d 553 at 561 et seq, 152 NE 2d 42 at 48 et seq. (1958). See discussion in the text beginning at p. 11, *infra* and referring to the dissent. For emphasis on safeguards see Anderson, *Amortization*

of Nonconforming Uses - A Preliminary Appraisal of Harbison v. City of Buffalo, 10 Syracuse L. Rev. 44 (1958) where he suggests use of eminent domain instead of police powers (amortization) where record shows substantial value of property and no adequate showing of public interest in removal. Samuel Hickman in a Note 44, Cornell Law Quarterly, Spring, 1959 in his conclusion states that "effort should be made to utilize all other available means designed to alleviate.... nonconforming uses". John M. Regan in Zoning-Principle of Retroactivity and Amortization of the Nonconforming Use- A Paradox in Property Law, Vill. L. Rev. 416 (1959) suggests at 427, 428, that there be adequate procedural safeguards and in particular that burden of proof to demonstrate validity and need for amortization provisions, be on the proponents and not the property owner whose property is the subject of the provisions. Similarly the writer of a note Zoning-Termination of Prior Nonconforming Use) 27 Fordham L. Rev. 653 at 657 recommends controls when using amortization in the form of uniform schedules graduated on the basis of assessed values. Also, see criticism of amortization at p. 12 of the text infra.

14. Norton, Elimination of Incompatible Uses and Structures, 20 Law & Contemp. Prob., 305, 311; The article includes an interesting analysis of how the nuisance doctrine and amortization are used in combination in an ordinance of the County of Los Angeles empowering the Regional Planning Commission to grant the right to continue a nonconforming use but also to revoke permission to continue where it found that the existence of the use was detrimental to public health or safety or was such as to be a nuisance. See also Ind. L. J. supra note 1 at 525; Noel, Retroactive Zoning and Nuisances, 11 Colum. L. Rev. 457 discussing Hadacheck v. Sebastian, 239 U.S. 394, 36 S. Ct. - 143 (1915).

15. Berman vs. Parker, 348 U.S. 26, 75 S. Ct. 98 (1954). In the much earlier case of Hadacheck v. Sebastian, Supra note 34 the Supreme Court said at 410:

"It is to be remembered that we are dealing with one of the most essential powers of government, one that is the least limitable. It may, indeed, seem harsh in its exercise usually on some individual, but the imperative necessity for its existence precludes any limitation upon it when not exerted arbitrarily. A vested interest cannot be asserted against it because of conditions once obtaining... To so hold would preclude development and fix a city forever in its primitive conditions. There must be progress, and if in its march, private interests are in the way they must yield to the good of the community."

16. Harbison vs. the City of Buffalo, supra note 33, at 561 et. seq.

37. See note 32, supra.
38. Horack, Emerging Legal Issues in Zoning, 146 at p. 151 (Proceedings of the Annual Planning Conference 1954).
39. A point made by the dissent in Harbison vs. City of Buffalo, supra note 33. See Annual Report of the Executive Director, ASPO (1955). Also see note 33, supra.
40. For an example where the N.J. courts over-restrictive attitude seems injurious in at least one key aspect to the community, see Rockleigh Borough v. Astral Industries, supra note 7 where installation of water tank necessary to operate a sprinkler system and reduce a fire hazard was deemed an extension of a non-conforming use and the court ordered the tower dismantled. See also comment, Horack and Norton, Land Use Controls (1955) at p. 162-163 and 102, of U. Pa. L. Rev. 91, supra note 8, at 105-107 and Anderson, supra note 12, at 225.
41. See note 32 supra.
42. See note 30 supra. For good commentary comparing American policy under eminent domain with British Land Planning programs, see Control and Development of Land under the Proposed British Town and Country Planning Bill, 1947, 60 Harv. L. Rev. 800 (1947). However, since this article was written, British Land Planning legislation has been entirely revised. See Heap New Developments in British Land Planning Law-1954 and After, 20 Law & Contemp. Prob. 493 (1955). The author in the Harvard Law Review note suggests that despite the entirely different approaches in Great Britain and in the United States that the point at which compensation is paid to the landowner is approximately the same and that in both instances that point is reached where the private loss from exercise of the police power would no longer be justified by the public benefit. Thereafter, it becomes a taking of property for which compensation should be paid under eminent domain.
43. Grant v. Mayor and City Council of Baltimore, supra note 30.
44. See note 30 supra. People ex rel Gutknecht v. City of Chicago, 3, 111. 2d 539, 121 N.E. 2d 791 (1954). The National Association of Real Estate Boards in Blueprint for Neighborhood Conservation (1953) incorporates eminent domain as one of the powers of the Conservation Authority. See Article 7, Sec. 7-1 of the proposed Enabling Act of NAREB.
45. See note 44 supra.
46. Berman vs. Parker, note 35 supra. Wilson vs. Long Branch, 27 N.J. 360, 376, 142A 2d 837, 846 (1958).

7. See People ex rel. Gutknecht vs. Chicago supra, note 44.
8. Slayton, Conservation of Existing Housing, 20 Law & Contem. Prob. 436 at 448 (1955).
9. Zoning, New York City. See note 8 supra.
10. Zoning, New York City, note 8 supra at 184 to 194, 42-20 to 42-28.
11. Eg. R.S. 40:55-39 which provides for use variances "in particular cases and for special reasons" provided relief can be granted "without substantial detriment to the public good" and it will not "substantially impair the intent and purpose of the zone plan and zoning ordinance."
12. For an early suggestion correlating value for purposes of establishing amortization periods with real property assessment, see Pomeroy, A Planning Manual for Zoning, ASPO (1940).
13. See Regan, supra note 33.

STREET SCORE
AESTHETIC EVALUATION
NEWARK, NEW JERSEY

Name: Hunterdon St.

W. Runyon St.

2

1.55

Hawthorne Ave. SCORE

Item

Rating
Spread

THE STREET

Score

Score

0	1	Plan	0-3	1	0
2	2	Width	0-4	2	2
1	3	Surfacing	0-10	3	1
2	4	Lighting	0-2	4	0
1	5	Sanitation	0-10	5	1
4	6	Landscaping	0-7	6	4
3	7	Utility Poles	0-5	7	0
Total					8
TRAFFIC & PARKING					
0	8	Auto Density	0-4	8	0
0	9	Other Types	0-6	9	0
0	10	Traffic Signs	0-4	10	0
0	11	Street Parking	0-4	11	0
0	12	Off-St. Public Parking	0-4	12	0
Total					0
LAND USE & ZONING					
3	13	Non-conforming Use	0-10	13	0
0	14	Mixed Uses	0-10	14	0
0	15	Building Types	0-3	15	0
0	16	Building Heights	0-3	16	0
3	17	Set-back Line	0-5	17	3
5	18	Land Coverage	0-5	18	5
0	19	Vacant	0-10	19	0
Total					8
COMMUNITY FACILITIES					
3	20	Schools	0-2	20	3
3	21	Religious Buildings	0-2	21	3
3	22	Parks	0-3	22	3
1	23	Recreational Facilities	0-1	23	1
2	24	Civic or Welfare Bldgs	0-1	24	2
Total					12
BUILDING CONDITIONS					
0	25	Environmental Design	0-10	25	0
8	26	Individual Design	0-10	26	8
2	27	Structural Condition	0-10	27	2
3	28	Painting Condition	0-10	28	4
1	29	Other Bldg Elements	0-10	29	1
2	30	Envrnmntl Color Harmony	0-10	30	1
0	31	Abandoned Buildings	0-10	31	0
Total					16
PROPERTY CONDITIONS					
2	32	Landscaping Extent	0-3	32	2
5	33	Landscaping Condition	0-5	33	4
1	34	Walks, Paths, Roads	0-5	34	1
1	35	Sanitation	0-5	35	1
4	36	Private Parking	0-4	36	4
Total					12
FRONTAGE TOTAL					56

(Note: STREET SCORE is obtained by dividing Frontage Total by 36 or the number of items evaluated.)

AESTHETIC EVALUATION SURVEY

Instructions for grading Street Frontages

THE STREETSCORE

1. PLAN 0-3	
Level, straight, normal length	0
Short length	1
Excessive grade	1
Acute angle corners	1
Winding	2
Excessive grade and winding	3
2. WIDTH 0-4	
8 lanes (each about 9' wide)	0
6 lanes	1
4 lanes	2
3 lanes	4
3. SURFACING 0-10	
No defects; any material	0
Minor ruts or cracks	1
Holes, ruts, cracks, (in degree)	2,3,4,5,6,7
No curb stones	3
Gravel or stone	8,9
Mixed surfacing, (good)	4
Earth	10
4. LIGHTING 0-2	
Harmonious to area, proper scale	0
Steel Poles	0,1
Wood Poles	2
5. SANITATION 0-10	
Generally clean	0
Occasional litter	1
Increased litter (in degree)	2,3,4,5,6,7,8,9,10
6. LANDSCAPING 0-7	
Island; sidewalk trees & grass	0
Island; poor landscaping	1
Sidewalk trees & grass (no island)	2
Sidewalk trees; no grass	3,4
Sidewalk grass only	5
No sidewalk landscaping	6,7
Poor maintenance	<u>add 1</u>

APPENDIX AC-2

UTILITY POLES 0-5

Wiring underground; no poles
 Infrequent poles
 Frequent poles
 Transformers on poles

0
 steel 1 wood 2
 steel 2 wood 3
add 2

TRAFFIC & PARKING

AUTO DENSITY 0-4

Light passenger; light delivery
 Constant passenger, delivery
 Continuous; passenger, bus, truck
 Excessive movement; congestion

0
 1,2
 3,4
 4

OTHER TYPES 0-6

(adjacent to RRds, thruways, parkways,
 elevated & depressed expressways)

No adjacent facility
 Thruway, pkway, expressway depressed
 " " " level
 " " " elevated
 Rrd, remote, ldscpg separation
 Rrd, visible, remote 20'-30' no ldscpg
 Rrd, visible, within 10', no ldscpg

0
 1
 1,2
 3
 4
 5
 6

TRAFFIC SIGNS 0-4

Single, at corners
 Frequent thru block
 Private signs

0
 1,2,3
add 1

STREET PARKING 0-4

0-25% of street occupied
 25%-50% occupied
 50%-75% occupied
 75%-100% occupied
 Parking meters

0
 1
 2
 3
 4

OFF ST. PUBLIC PARKING 0-4

No street parking; with off-st. pkg.
 Street parking with ldscpd off-st. pkg.
 Street parking with visible " " "
 Public garages

0
 1
 2,3,4
 3

USE & ZONING

NON-CONFORMING USE 0-10

No non-conforming uses
 1 non-conforming use
 2 to 10 non-conforming uses
 All above 10 merit

0
 1
 2,3,4,5,6,7,8,9,10
 10

14. MIXED USES 0-10
 Conforming to prevalent design 0,1
 Where discordant to " " 1,2,3,4,5,6,7,8,9,10
15. BLDG. TYPES 0-3
 All related 0
 Varying types (apt. adj. to res.) 1-3
16. BLDG. HEIGHTS 0-3
 Conformity 0
 Injudicious variation 1,2,3
 Variations caused by grades 0
17. SET BACK 0-5
 90%-100% of bldgs are 25' back or more 0
 20' " " " 1
 15' " " " 2
 10' " " " 3
 5' " " " 4
 0' " " " (lot line) 5
 (a lesser amount of bldgs in any group
 will move score higher.)
18. LAND COVERAGE 0-5
 90%-100% of bldgs have side yards
 which are 25% of plot width 0
 20% of plot width 1
 15% " " " 2
 10% " " " 3
 5% " " " 4
 0% " " " (lot line) 5
19. VACANT LAND 0-10
 Fenced in or landscaped, & clean 0
 No fence, poor landscaping, littered 1,2,3
 Dumping ground (by degrees) 4,5,6,7,8,9,10

COMMUNITY FACILITIES

20. SCHOOLS 0-3
 Exceptional school plant, landscaped 0
 Standard school 1
 Sub-standard structure, restricted lot 2
 No school 3
21. RELIGIOUS BUILDINGS 0-3
 Good design; adequate land treatment 0
 Good design; inadequate land 1
 Standard structures 2
 No religious building 3

APPENDIX AC-2

PARKS 0-3	
50%-100% of street frontage	0
Any portion less than 50%	1
No park	3
RECREATIONAL FACILITIES 0-1	
Playgrounds, tot-lots, fenced or ldscpd	0
No recreational area	1
CIVIC, COMMUNITY, CLUB BLDGS 0-2	
Good design, adequate land	0
Good design, inadequate land	1
Converted building, adequate land	1
No civic building	2
<u>BUILDING CONDITIONS</u>	
ENVIRONMENTAL DESIGN 0-10	
95%-100% of building design is related	0
Diminishing percentages rate	1,2,3,4,5,6,7,8,9,10
INDIVIDUAL DESIGN 0-10	
95%-100% of buildings have integrity of design (individually)	0
Diminishing percentages rate	1,2,3,4,5,6,7,8,9,10
STRUCTURAL CONDITION 0-10	
95%-100% in excellent condition	0
10%-25% require minor repairs, (broken glass, loose shingles, siding, damaged trim, gutters)	1,2
25%-50% require minor repairs	3,4,5
50%-100% " " "	6,7,8
10%-25% require major repairs, (replace porch, chimney, columns, win- dows, etc.)	4,5
25%-50% require major repairs	6,7,8
50%-100% " " "	9,10
PAINTING CONDITION 0-10	
95%-100% in excellent condition or clean	0
10%-25% require minor painting	1,2
25%-50% " " "	3,4
50%-100% " " "	5,6,7
10%-25% require major painting	4,5
25%-50% " " "	6,7,8
50%-100% " " "	9,10

29.	OTHER BUILDING ELEMENTS 0-10	
	95%-100% have no visible fire escapes added porches, balconies, signs	0
	90%-100% have visible additions skill- fully introduced	1,2,3
	Increased percentages merit increased	4,5,6
	Projecting additions, unskillfully handled merit ratings according to frequency	4,5,6,7,8,9,10
30.	ENVIRONMENTAL COLOR HARMONY 0-10	
	Basic harmony in street	0
	Discordant colors merit ratings according to frequency	1,2,3,4,5,6,7,8,9,10
31.	ABANDONED BUILDINGS 0-10	
	No abandoned buildings	0
	1 unit properly boarded up and painted	1
	2 " " " " " "	2
	1 " with dilapidation	3,4
	More than 1 dilapidated unit	5,6,7,8,9,10
	1 fire-gutted unit	8
32.	LANDSCAPING EXTENT 0-3	
	90% of properties have land available for landscaping and so used	0
	75% " " " " "	1
	50% " " " " "	2
	0-25% " " " " "	3
33.	LANDSCAPING CONDITION 0-5	
	90% of properties in good condition	0
	75% " " " " "	1
	50% " " " " "	2
	25% " " " " "	3
	0-25% " " " " "	4,5
34.	WALKS, PATHS, ROADS 0-5	
	90% harmonious, good condition	0
	75% " " " "	1
	50% " " " "	2
	25% " " " "	3
	0-25% " " " "	4,5
	Gravel paths, roads	3
	Dirt paths, roads	5

SANITATION 0-5					
90%	clean,	good	sanitation	practices	0
75%	"	"	"	"	1
50%	"	"	"	"	2
25%	"	"	"	"	3
0-25%	"	"	"	"	4, 5

PRIVATE PARKING 0-4					
90%	with	carports,	garages,	etc.	0
75%	"	"	"	"	1
50%	"	"	"	"	2
25%	"	"	"	"	3
0-25%	"	"	"	"	4

AREA _____

STREET NAME _____



SCORE

STREET SCORE
AESTHETIC EVALUATION
NEWARK, NEW JERSEY

APPENDIX

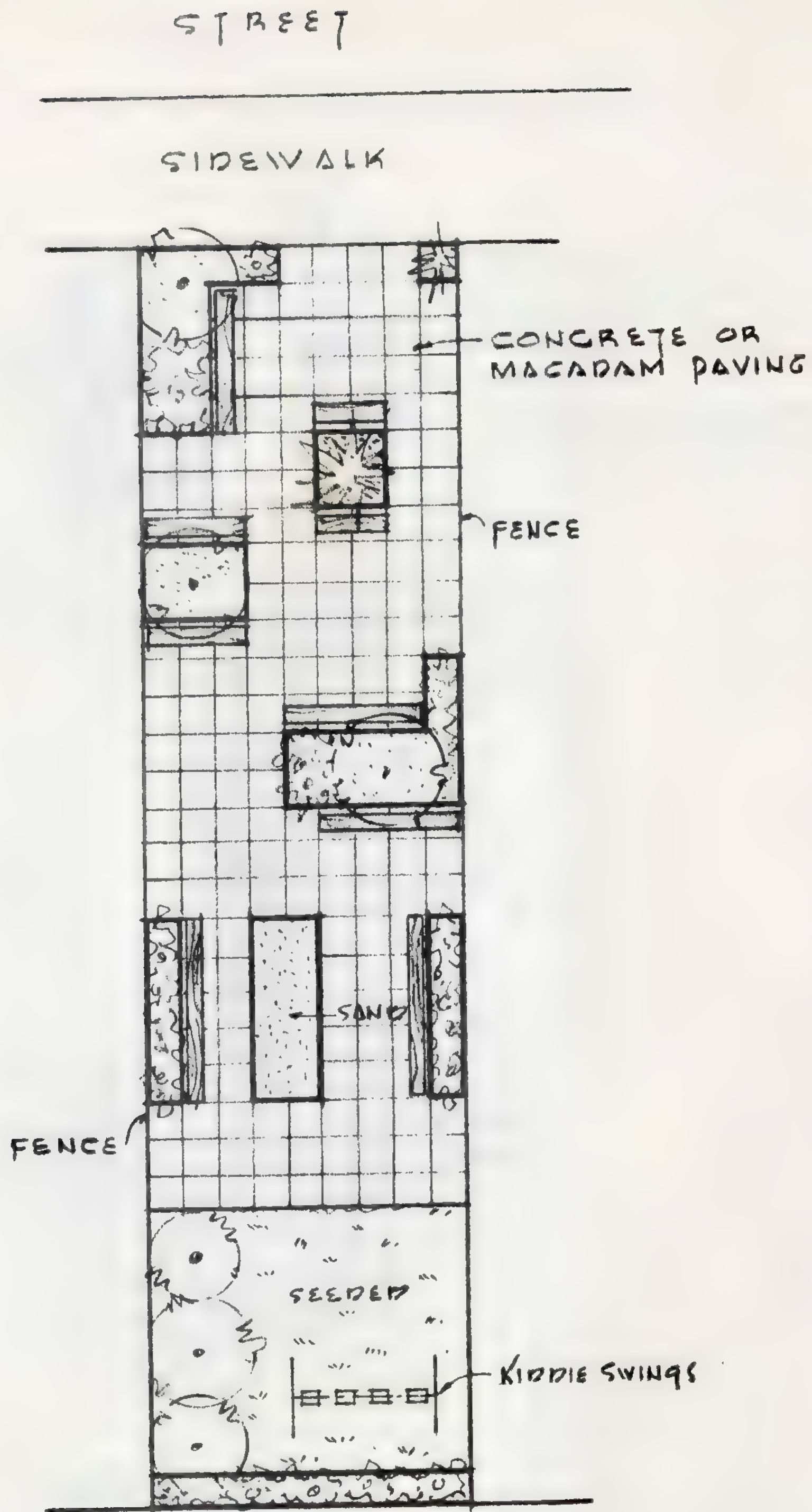
STREET NO. _____



SC

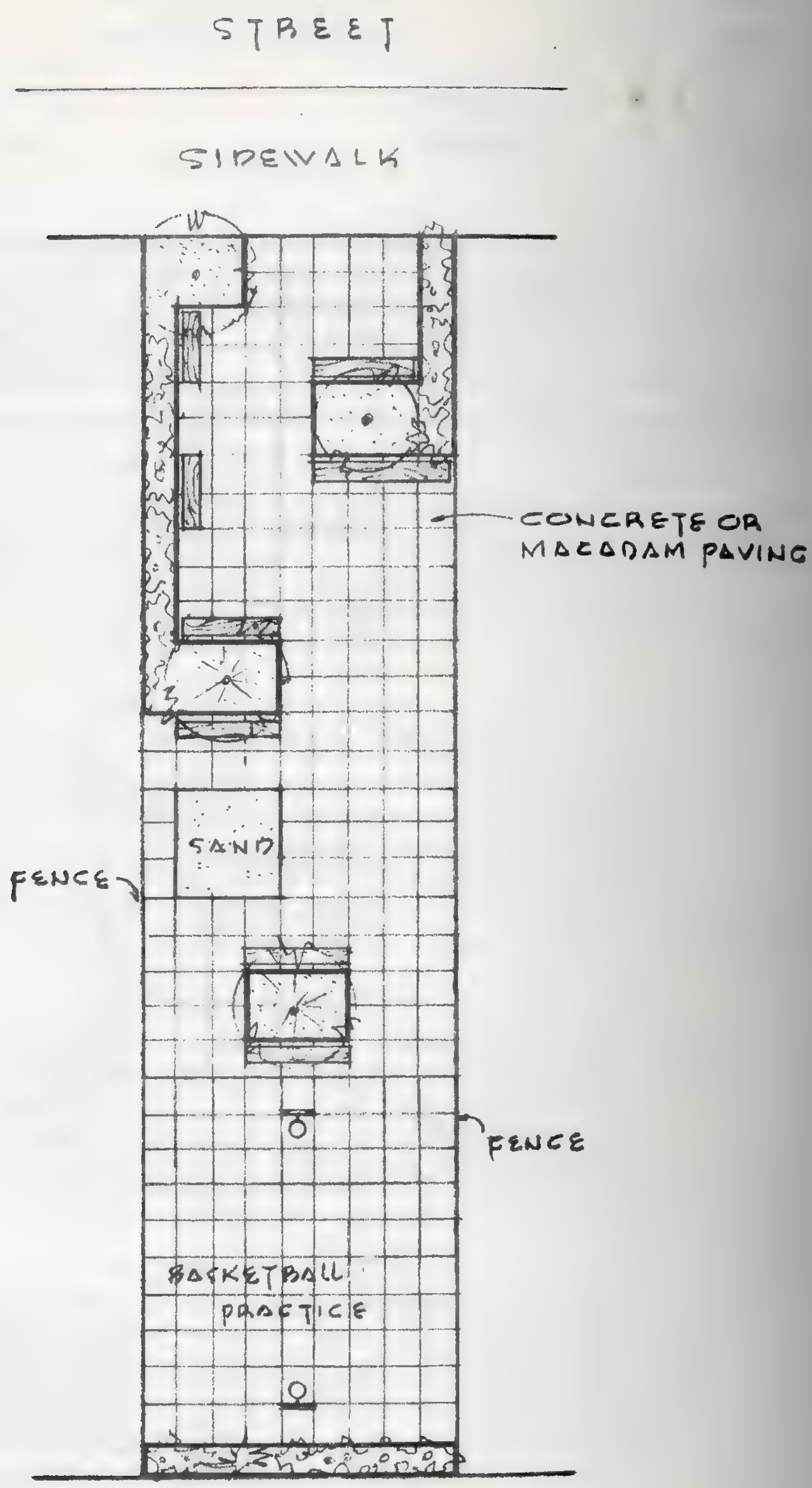
ITEM		RATING SPREAD	
THE STREET			
1	WIDTH	0- 4	1
2	SURFACING	0-10	2
3	UTILITY & LIGHTING POLES	0- 2	3
4	SANITATION	0-10	4
5	LANDSCAPING	0- 7	5
TOTAL			
TRAFFIC & PARKING			
6	AUTO DENSITY	0- 4	6
7	OTHER ARTERIES	0- 6	7
8	TRAFFIC SIGNS	0- 4	8
9	ST. & OFF-ST. PARKING	0- 4	9
TOTAL			
LAND USE & ZONING			
10	MIXED & NON-CONFORMING USES	0-10	10
11	BUILDING TYPES	0- 3	11
12	BUILDING HEIGHTS	0- 3	12
13	SET BACK LINE	0- 5	13
14	SPACE BETWEEN BUILDINGS	0- 5	14
15	VACANT LAND	0-10	15
TOTAL			
COMMUNITY FACILITIES			
16	SCHOOLS	0- 3	16
17	RELIGIOUS BUILDINGS	0- 3	17
18	PARKS	0- 3	18
19	RECREATIONAL FACILITIES	0- 1	19
20	CIVIC OR WELFARE BUILDINGS	0- 2	20
TOTAL			
BUILDING CONDITIONS			
21	ENVIRONMENTAL DESIGN, COLOR	0-10	21
22	STRUCTURAL CONDITIONS	0-10	22
23	PAINTING CONDITIONS	0-10	23
24	OTHER BUILDING ELEMENTS	0-10	24
25	ABANDONED BUILDINGS	0-10	25
TOTAL			
PROPERTY CONDITIONS			
26	LANDSCAPING	0- 5	26
27	SANITATION	0- 5	27
TOTAL			
FRONTAGE TOTALS			

(NOTE: STREET SCORE IS OBTAINED BY DIVIDING FRONTAGE
TOTAL BY 27 OR THE NUMBER OF ITEMS EVALUATED.)



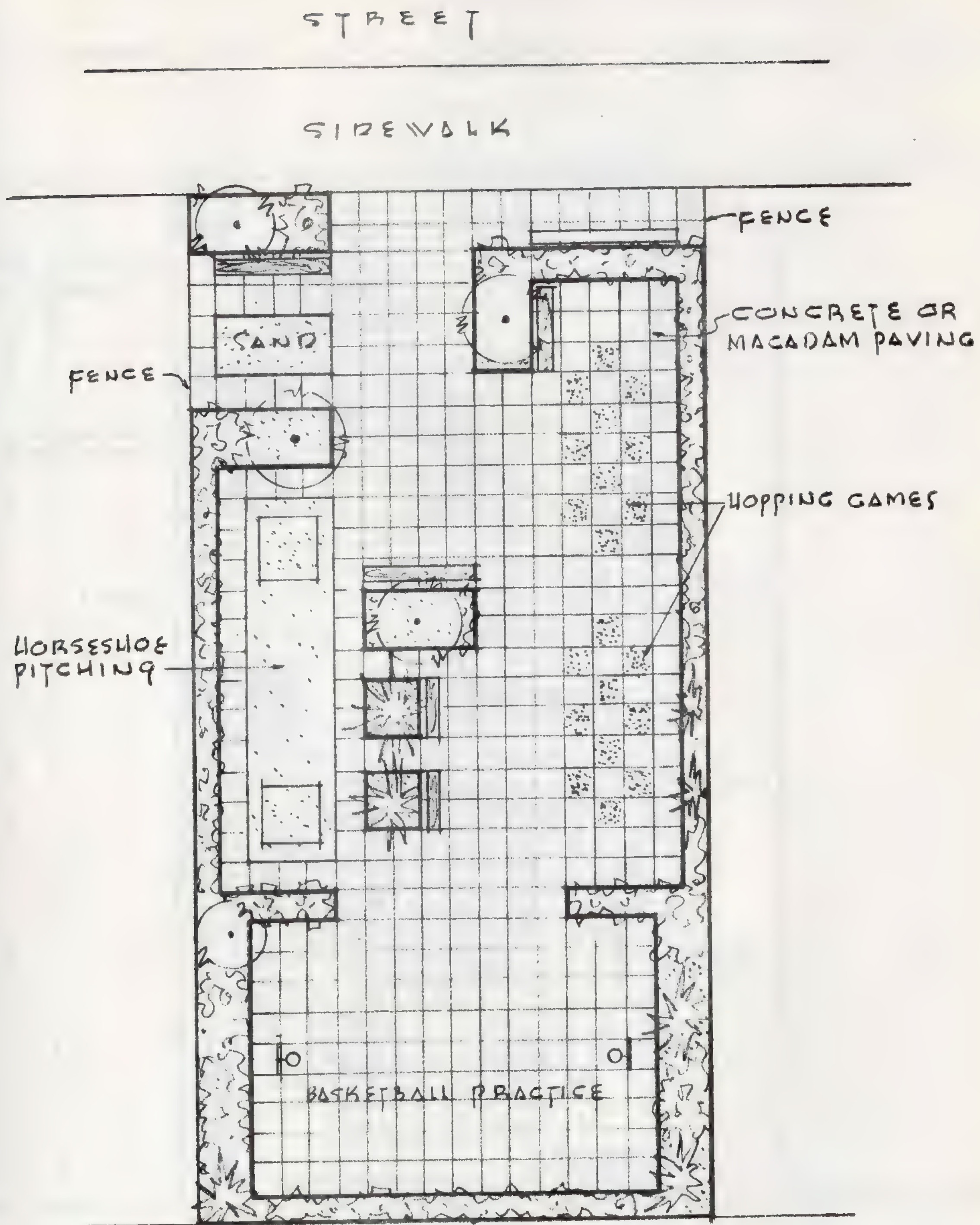
RECREATION AREA 25'x100' 1/16"=1'0"

STUDY FOR UTILIZATION OF VACANT LAND
NEWARK URBAN RENEWAL PLAN
SLITWICK DIA ARCHITECTURAL CONSULTANT



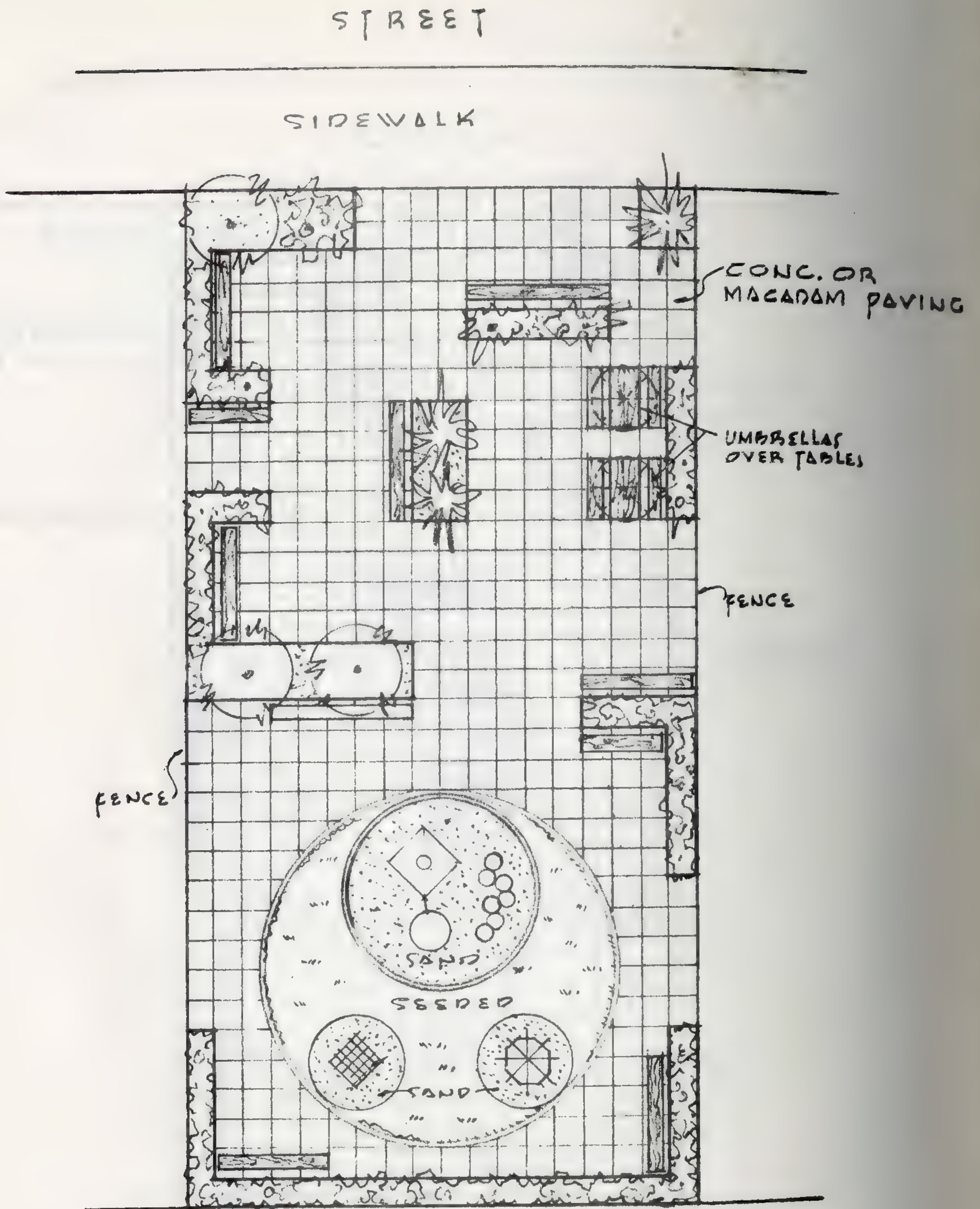
RECREATION AREA 25'x100' 1/16"=1'-0"

STUDY FOR UTILIZATION OF VACANT LAND
 NEW YORK URBAN RENEWAL
 H.C. LITWACK AIA ARCHITECTURAL CONSULTANT



CREATION AREA 50'x100' 1/4"=1'-0"

STUDY FOR UTILIZATION OF VACANT LAND
 WORK URBAN RENEWAL PLAN
 LITWACK & ARCHITECTURAL CONSULTANT

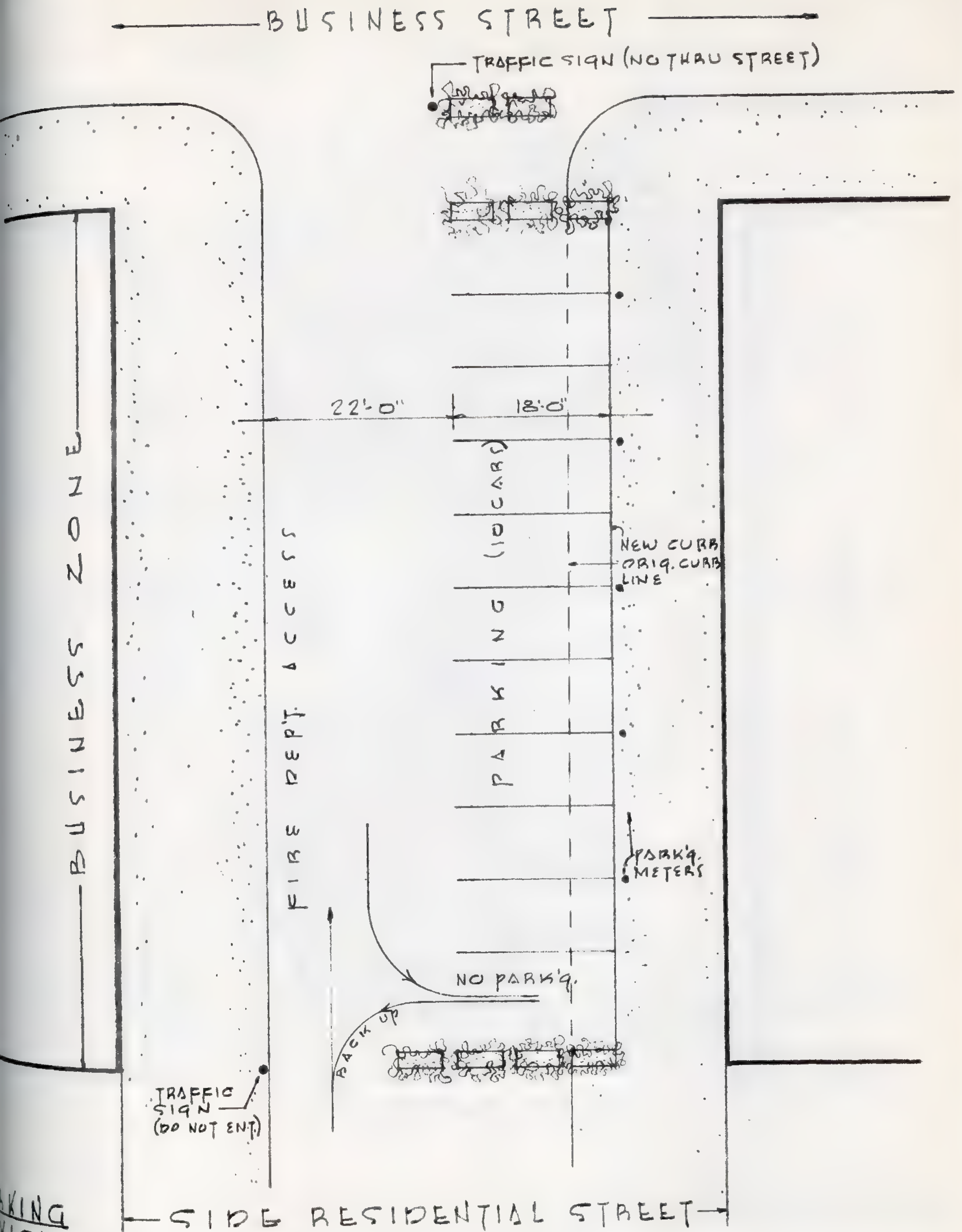


RECREATION AREA 50x100' 1/16" = 1'-0"

STUDY FOR UTILIZATION OF VACANT
NEWARK URBAN RENEWAL

H.C. LITWACK AIA ARCHITECTURAL CONSULTANT

LAND
PLANS



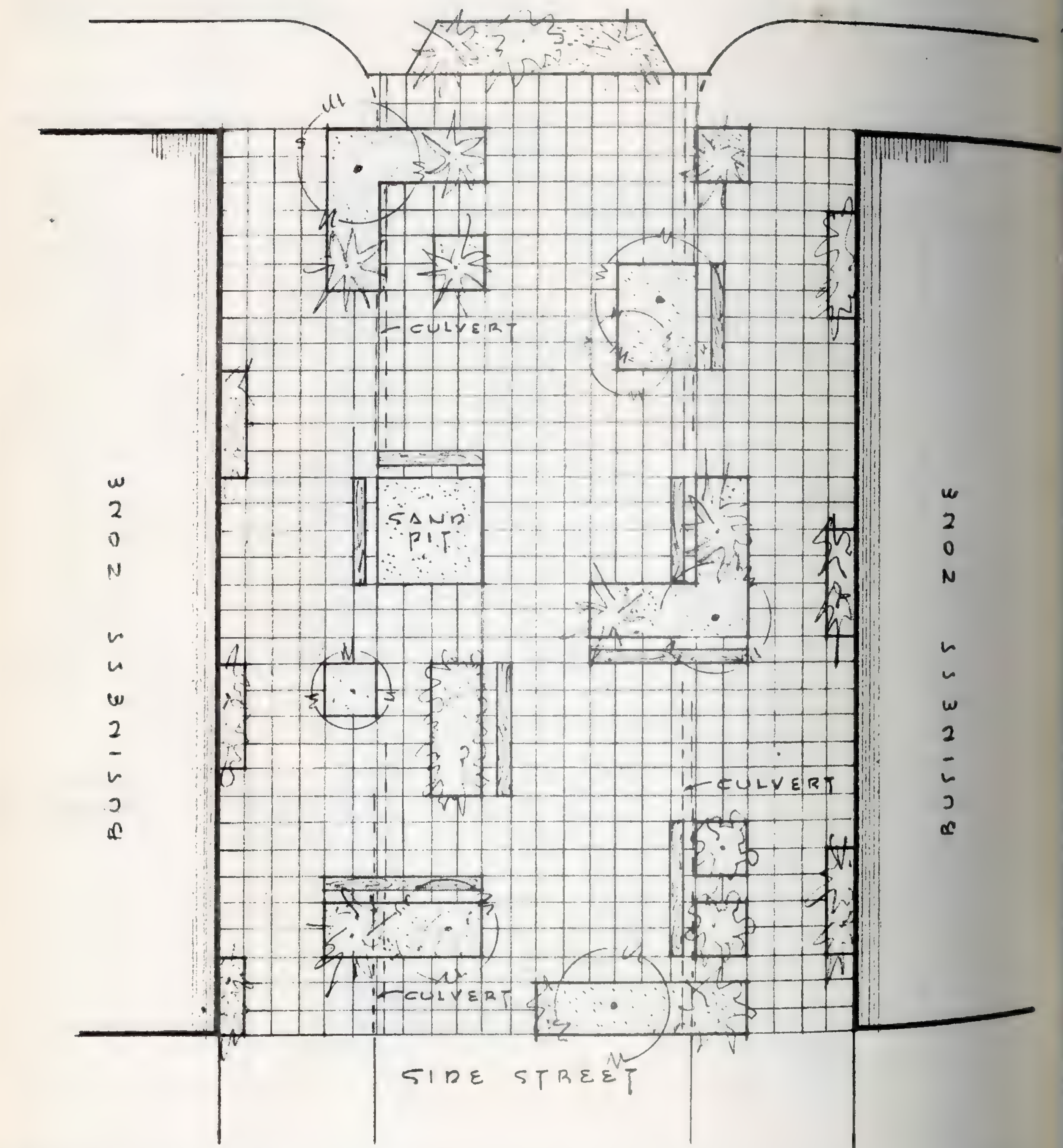
PARKING
VICE

1/16" = 1'-0"

STUDY FOR UTILIZATION OF STREET AREAS
WORK URBAN RENEWAL PLAN

LITWACK AIA - ARCHITECTURAL CONSULTANT

THRU SHOPPING STREET

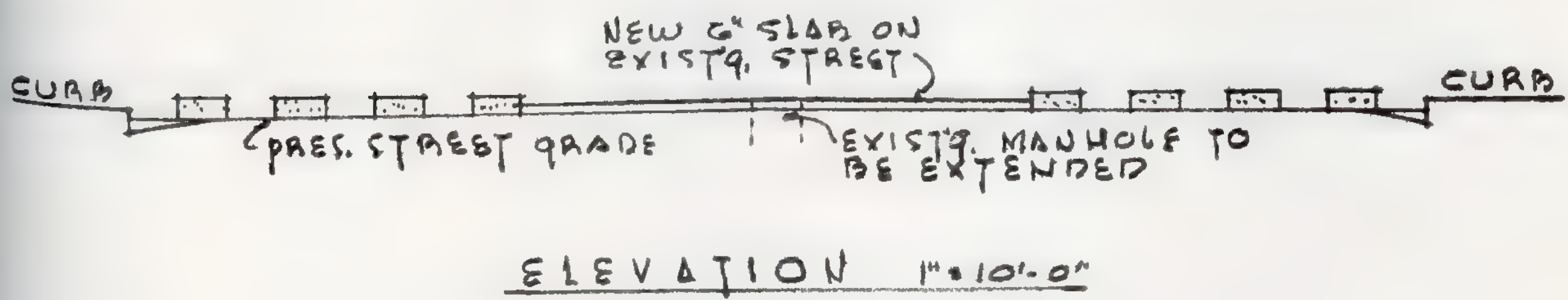
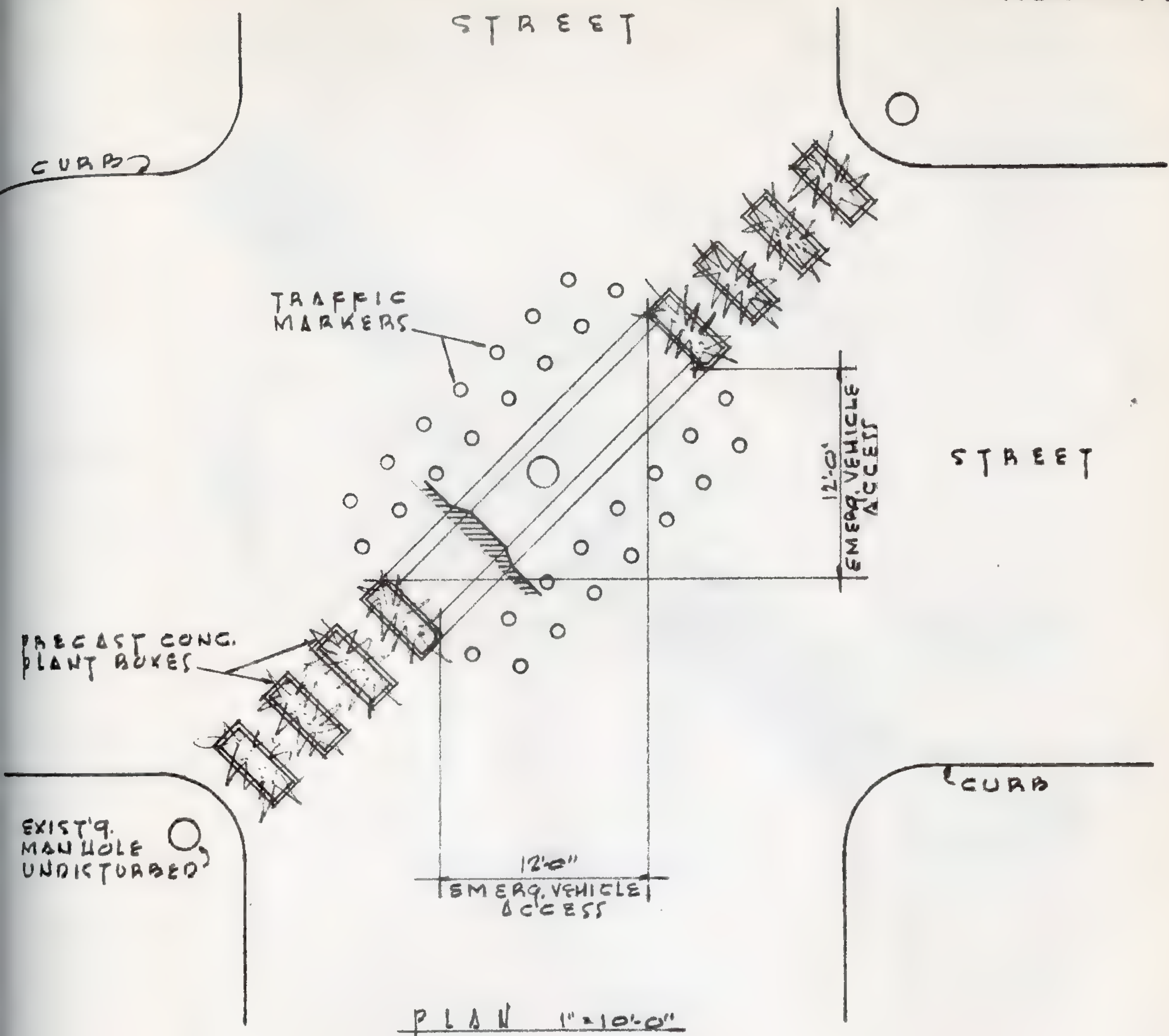


RESTING PLAZA

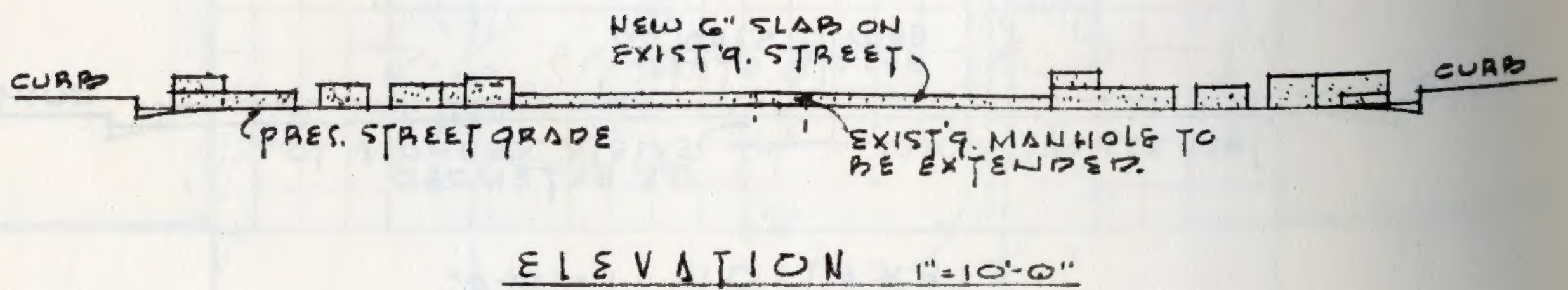
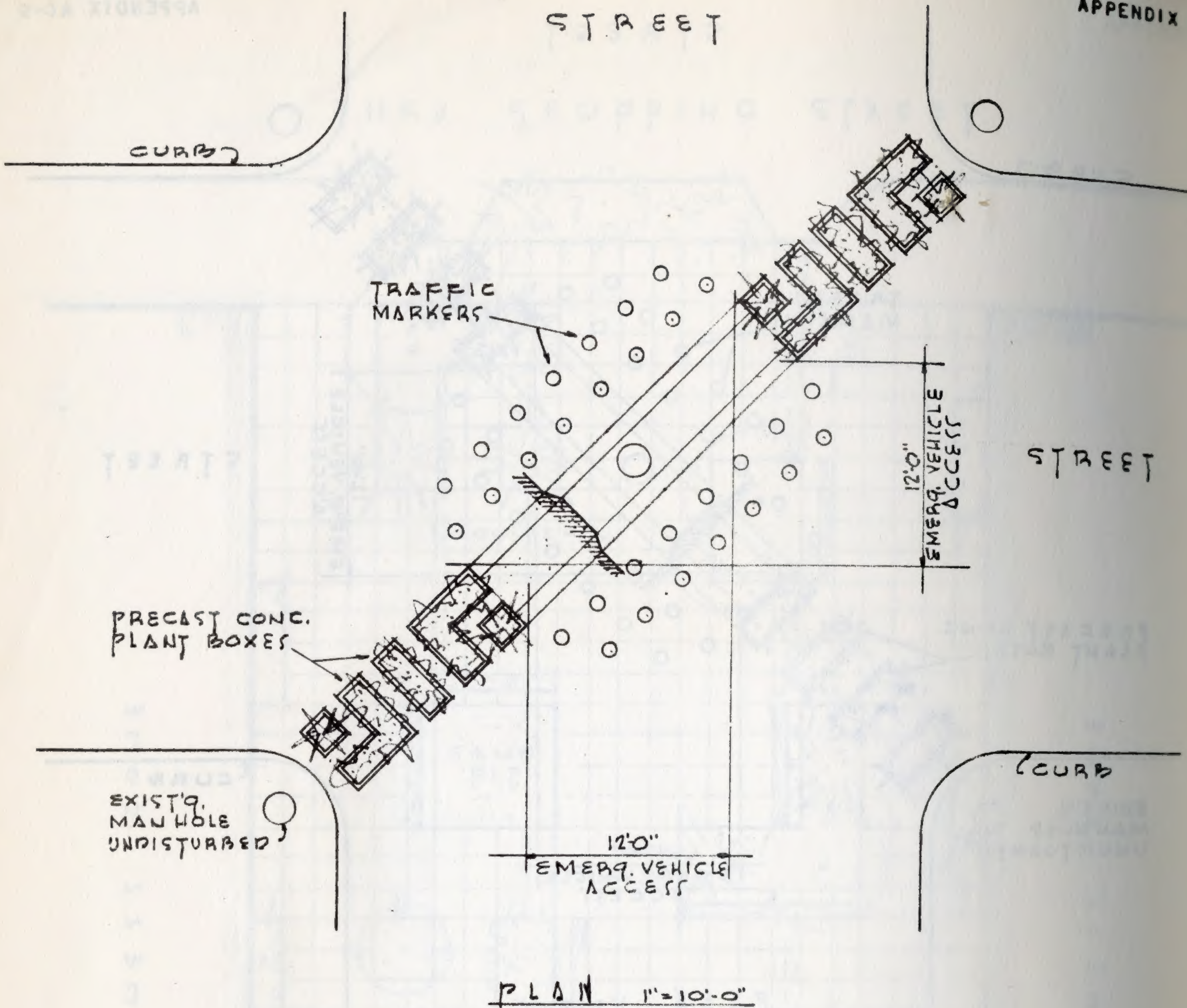
1/16" = 1'-0"

STUDY FOR UTILIZATION OF STREET AREA
NEW YORK URBAN RENEWAL

H.C. LITWACK & ARCHITECTURAL CONSULTANT



UDY OF NEIGHBORHOOD TRAFFIC DIVERTERS
 W A R K U R B A N R E N E W A L P L A N
 LITWICK AND ARCHITECTURAL CONSULTANT



STUDY OF NEIGHBORHOOD TRAFFIC DIVERTE
 NEWARK URBAN RENEWAL PL
 H.C. LITWACK & ARCHITECTURAL CONSULTANT 1

27 AP-60-X46562

QUARTZ

TRAPPIST
MOUNTAIN

PRECINCT ROAD
PLANT HOUSE

WATER
TOWER
CONSTRUCTION

50
TEMPERATURE
ACROSS

PLANT HOUSE

WATER TOWER
CONSTRUCTION
TEMPERATURE
ACROSS

ELEVATION CROSS

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